By Mr. HORAN:

H.R. 9412. A bill to amend the Tariff Act of 1930 to impose additional duties on cattle, beef, and veal imported each year in excess of annual quotas; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 9413. A bill to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy; to the Committee on Banking and Currency.

By Mr. RYAN of New York:

H.R. 9414. A bill to amend the Atomic Energy Act of 1954 to provide that hearings on applications for construction permits for certain facilities must be held at or near the places where such facilities are to be located; to the Joint Committee on Atomic Energy.

By Mr. WICKERSHAM:

H.R. 9415. A bill to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy; to the Committee on Banking and Currency.

By Mr. BROCK:

H.R. 9416. A bill to authorize the coinage of 50-cent pieces in commemoration of the 100th anniversary of the founding of the Knights of Pythias; to the Committee on Banking and Currency.

By Mr. BRADEMAS:

H.R. 9417. A bill to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy; to the Committee on Banking and Currency.

By Mr. KORNEGAY:

H.R. 9418. A bill to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy; to the Committee on Banking and Currency.

By Mr. SPRINGER:

H.R. 9419. A bill to provide for the regulation of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes; to the Committee on the District of Columbia.

By Mr. CORMAN:

H.J. Res. 855. Joint resolution authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of $250,000; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H.J. Res. 856. Joint resolution imposing an embargo on articles manufactured outside the United States by the Studebaker Corp.; to the Committee on Ways and Means.

By Mr. DORN:

H.J. Res. 857. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARY:

H.J. Res. 858. Joint resolution proposing an amendment to the Constitution of the United States providing that Congress shall fill any vacancy occurring in the office of the Vice President; to the Committee on the Judiciary.

By Mr. KEOGH:

H.J. Res. 859. Joint resolution to direct the Franklin Delano Roosevelt Memorial Commission to consider possible changes in the winning design for the proposed memorial or the selection of a new design for such memorial; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H.J. Res. 860. Joint resolution authorizing and directing the National Institutes of Health to undertake a fair, impartial, and controlled test of Krebiozen; and directing the Food and Drug Administration to withhold action on any new drug application before it on Krebiozen until the completion of such test; and authorizing to be appropriated to the Department of Health, Education, and Welfare the sum of $250,000; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER:

H.J. Res. 861. Joint resolution proposing an amendment to the Constitution of the United States to preserve and protect references to reliance upon God in governmental matters; to the Committee on the Judiciary.

By Mr. PRICE:

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the President should instruct the U.S. mission to the United Nations to bring the Baltic States question before that body with a view to obtaining the withdrawal of Soviet troops from Lithuania, Latvia, and Estonia; the return of exiles from these nations from slave-labor camps in the Soviet Union; and the conduct of free elections in these nations; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Res. 584. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the sale of lethal firearms in interstate and foreign commerce; to the Committee on Rules.

By Mr. GUBSER:

H. Res. 585. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study with respect to the "fairness doctrine," applicable to radio and television broadcast licensees, of the Federal Communications Commission; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMER:

H.R. 9420. A bill for the relief of Mrs. Joyce Marjorie Howell (nee Chin); to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 9421. A bill for the relief of Dorota Zytka; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 9422. A bill for the relief of Bruna Venturi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

506. Mrs. FRANCES P. BOLTON presented a petition of Rabbi Jacob Shtull, spiritual leader, Men's Club of the Mayfield Temple, Cleveland Heights, Ohio, relative to the persecution of the Jewish people in the Soviet Union, which was referred to the Committee on Foreign Affairs.

SENATE

TUESDAY, DECEMBER 10, 1963

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore, Hon. LEE METCALF, a Senator from the State of Montana.

Hon. WALLACE F. BENNETT, a Senator from the State of Utah, and a member of the General Board of Sunday Schools, Church of Jesus Christ of Latter-day Saints, offered the following prayer:

Our Father in heaven, my colleagues and I approach Thee, carrying the responsibilities for making laws for the people we serve. In our capacity as lawmakers, we realize that Thou hast set for us the perfect example, because Thou art the source of all perfect law. We pray that we may never forget our responsibility to make the laws we frame here conform with the spirit of the laws which have underlain all human progress and all human values since the day of creation.

Since Thou didst create the earth first spiritually, before it was made physically, help us to realize that before we can make laws in actuality, we must first create them spiritually, and that the laws we make must be built upon the sound principles of truth and justice, of which Thou art the Author and Creator.

Be with us in our deliberations and enable us to meet these responsibilities, we pray, in the name of Thy Son, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, December 9, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

COINAGE OF 50-CENT PIECES WITH THE LIKENESS OF THE LATE JOHN FITZGERALD KENNEDY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 181)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying bill, was referred to the Committee on Banking and Currency:

To the Congress of the United States:

I hereby submit to the Congress a draft of a proposed bill which would provide for the coinage of 50-cent pieces with the likeness of the late John Fitzgerald Kennedy. With the adoption of this proposal each of the five denominations now being produced by the mint; that is, 1- through 50-cent pieces, would have the likeness of a President on the obverse of the coin.

The consent of the Congress is required to make this change in view of the provisions of section 3510 of the Revised Statutes, as amended (31 U.S.C. 276), which provides that no change in the design of a coin shall be made oftener than once in 25 years. The present design was adopted in 1948.

If the legislation is enacted, the Treasury Department plans to use the likeness of the late President Kennedy which is being used on a "Presidential series" medal now being manufactured and sold at the Philadelphia Mint. The design of this medal was approved personally by the late President. Mint artists would prepare an appropriate reverse for the coin.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I strongly recommend the enactment of this proposed legislation at the earliest possible date in order that the likeness of President Kennedy will appear on the 50-cent coins issued at the beginning of the calendar year 1964.

LYNDON B. JOHNSON.

THE WHITE HOUSE.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9291) to provide office space, supplies, equipment, and franking privileges for Mrs. Jacqueline Bouvier Kennedy, to authorize appropriations for the payment of expenses incident to the death and burial of former President John Fitzgerald Kennedy, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

TRANSACTION OF ROUTINE BUSINESS

On the request of Mr. MANSFIELD, and by unanimous consent, it was ordered that there be a morning hour, with statements therein limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Rules and Administration was authorized to meet during the session of the Senate today.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Chairman, Migratory Bird Conservation Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1963 (with an accompanying report); to the Committee on Commerce.

AMENDMENT OF HOUSING ACT OF 1954, TO MAKE INDIAN RESERVATIONS ELIGIBLE FOR ASSISTANCE THEREUNDER

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 701 of the Housing Act of 1954 to make Indian reservations eligible for assistance thereunder (with an accompanying paper); to the Committee on Banking and Currency.

REPORTS ON TORT CLAIMS PAID BY DEPARTMENT OF THE ARMY AND CLAIMS SETTLED UNDER MILITARY PERSONNEL CLAIMS ACT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on tort claims paid by that Department, during fiscal year 1963, and a report on claims settled under the Military Personnel Claims Act, during fiscal year 1963 (with accompanying reports); to the Committee on the Judiciary.

ADJUSTMENT OF IMMIGRATION STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered in behalf of certain aliens relating to adjustment of their immigration status (with accompanying papers); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the East Cleveland, Ohio, City Commission, favoring the enactment of civil rights legislation, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service, without amendment:

H.R. 5179. An act to authorize the Postmaster General to enter into agreements for the transportation of mail by passenger common carriers by motor vehicle, and for other purposes (Rept. No. 756); and

H.R. 5778. An act to amend title 39, United States Code, to increase from 10 to 20 miles the area within which the Postmaster General may establish stations, substations, or branches of post offices, and for other purposes (Rept. No. 757).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1534. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by stabilizing the domestic lead and zinc industry, and for other purposes (Rept. No. 758).

Under the order of the Senate of May 14, 1963, the above bill was referred to the Committee on Finance.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 9009. An act to amend further the Peace Corps Act, as amended (Rept. No. 759).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 2311. A bill to provide for the preparation and printing of compilations of materials relating to annual national high school and college debate topics (Rept. No. 763);

H.R. 8751. An act to amend the act of March 2, 1931, to provide that certain proceedings of the AMVETS (American Veterans of World War II), shall be printed as a House document, and for other purposes (Rept. No. 767);

S. Con. Res. 67. Concurrent resolution to print for the use of the Committee on Public Works certain information on water pollution control (Rept. No. 762);

H. Con. Res. 230. Concurrent resolution authorizing the printing of 5,000 copies of the study, "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy—Second Installment," for the use of the Select Committee on Small Business (Rept. No. 764);

H. Con. Res. 231. Concurrent resolution authorizing the printing of 5,000 copies of the study, "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy," for the use of the Select Committee on Small Business (Rept. No. 765);

H. Con. Res. 237. Concurrent resolution providing for the printing of additional copies of certain opinions of the Supreme Court of the United States in cases involving the offering of prayers and reading from the Bible in public schools (Rept. No. 766); and

S. Res. 230. Resolution authorizing the printing as a Senate document of the eulogies to the late President John F. Kennedy delivered in the rotunda of the Capitol on November 24, 1963 (Rept. No. 761).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 217. Resolution to authorize a study of a national system of scenic highways (Rept. No. 760).

SAMUEL T. MOORE—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 233); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Samuel T. Moore, father of Harmon A. Moore, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

KATIE L. DISNEY—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 234); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Katie L. Disney, widow of Francis L. Disney, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Fifty-three postmaster nominations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 2373. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of surplus personal property to State institutions charged with the care, training, and education of minor children; to the Committee on Government Operations.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. CANNON:

S. 2374. A bill for the relief of Milagros Aragon Neri; to the Committee on the Judiciary.

By Mr. MOSS:

S. 2375. A bill to provide for the acquisition of certain land in advance of construction of the Jordanelle Dam and Reservoir portion of the Central Utah project; to the Committee on Interior and Insular Affairs.

RESOLUTIONS

SAMUEL T. MOORE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 233) to pay a gratuity to Samuel T. Moore, which was placed on the calendar.

KATIE L. DISNEY

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 234) to pay a gratuity to Katie L. Disney, which was placed on the calendar.

DONATION OF FEDERAL SURPLUS PROPERTY TO STATE INSTITUTIONS CHARGED WITH THE CARE AND EDUCATION OF MINOR CHILDREN

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus property to State institutions charged with the care, training, and education of minor children.

The need for this legislation was brought to my attention by the Montana State superintendent of public instruction. It appears that until recently the surplus property section of the State superintendent's office was making surplus property available without any restrictions to the Montana Children's Center, an institution established for the support and care of orphans, foundlings, and destitute children resident within the State of Montana.

In October of this year, the Department of Health, Education, and Welfare informed the State superintendent of public instruction that since the Montana Children's Center was not set up and established primarily as a school, all *future* donations to the children's center shall be limited strictly to items for the exclusive use in classrooms, shops, and laboratories of the school. This ruling precludes the donation of equipment for the domiciliary care of children and prevents the donation of grounds equipment and other maintenance items.

My bill would permit the donation of surplus property to the Montana Children's Center, and the similar institutions across the country, for any purpose connected with the operation of the institution.

Bills similar to this have been introduced in the past. One of the objections of the Government agencies which studied these bills was that extending the available surplus property to other institutions, and other areas of operation within eligible institutions, would divert what property is available from the already included agencies of education, health and civil defense, and result in the reestablishment of a priority system as existed under the Surplus Property Act of 1944.

Why this segregation? Back in our country, if you have a barn full of hay and starving cattle, you feed the hay. We have millions of dollars worth of idle surplus property lying around in Government warehouses. Why not utilize this property in any way and every way we can, rather than sell it for a fraction of its original cost to dealers in surplus property. I believe that we should consider all those groups or uses which are worthy to receive aid, rather than only some of them. If priorities must be established, let them be established. At least then we will be making the best possible utilization of a usable and needed resource.

State institutions charged with the care of minor children are an important part of our social and educational system. But they are all seriously affected by the increasing costs of equipment and operation. The receipt of Federal surplus property would permit them to devote more of their overall budget to more important and pressing needs.

Mr. President, I ask unanimous consent that the bill may be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BAYH in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2373) to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of surplus personal property to State institutions charged with the care, training, and education of minor children, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)), is amended by inserting in clause (A) thereof, immediately after the words "schools for the physically handicapped,", the words "agencies or institutions for the custodial care, training, and education of minor children,".

(b) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term 'purposes of education', as used in this subsection, includes the operation and maintenance of any tax-supported agency or institution of any State charged by the law of such State with the duty of providing custodial care, training, and education for minor children."

(c) The amendments made by this Act shall take effect on the first day of the second month beginning after the date of enactment of this Act.

REDUCTION OF INDIVIDUAL AND CORPORATE INCOME TAXES—AMENDMENTS

Mr. SMATHERS submitted eight amendments (Nos. 351, 352, 353, 354, 355, 356, 357, and 358), intended to be proposed by him, to the bill (H.R. 8363) to amend the Internal Revenue Code of 1954 to reduce individual and corporate income taxes, to make certain structural changes with respect to the income tax, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF SOCIAL SECURITY ACT RELATING TO THE BLIND

Mr. HARTKE. Mr. President, the next time it is printed, I ask unanimous consent that the name of the junior Senator from New Hampshire [Mr. McINTYRE] be added as a cosponsor of S. 2181, a bill I introduced on September 25, 1963, to amend the Social Security Act relating to aid to the blind.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTABLISHMENT OF A KENNEDY CULTURAL CENTER IN WASHINGTON, D.C.—ADDITIONAL COSPONSOR OF BILL

Mr. SMATHERS. Mr. President, I ask unanimous consent that, at its next printing, my name may be added as a cosponsor of the bill, S. 2341, to authorize the appropriation of $5 million to carry out the purposes of the National Cultural Center Act and to designate the National Cultural Center authorized to be constructed by such act, as the John Fitzgerald Kennedy Memorial Center.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RENAMING OF NATIONAL CULTURAL CENTER AS THE JOHN FITZGERALD KENNEDY MEMORIAL CENTER—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the senior Senator from Arkansas [Mr. McCLELLAN] and the junior Senator from Mississippi [Mr. STENNIS] be added as cosponsors of Senate Joint Resolution 136, to provide for renaming the National Cultural Center as the John Fitzgerald Kennedy Memorial Center, and authorizing an appropriation therefor, at the next printing of the joint resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIKENESS OF THE LATE PRESIDENT, JOHN FITZGERALD KENNEDY, ON FUTURE MINTING OF SILVER DOLLARS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of December 3, 1963, the names of Mr. CHURCH and Mr. PELL were added as additional cosponsors of the bill (S. 2355) to provide that standard silver dollars shall hereafter bear on one side a likeness of our late President, John Fitzgerald Kennedy, introduced by Mr. CANNON on December 3, 1963.

INCREASED IMPORTS OF LIVESTOCK, MEAT, AND MEAT PRODUCTS

Mr. CURTIS. Mr. President, I rise to call the attention of the Senate to a very serious situation now existing in American agriculture. One of the major factors causing distress and loss of income to the American agricultural community is the enormous amount of livestock, meat, and meat products imported from abroad. The adverse effects of these imports are not confined to the farmers, although they, of course, are most directly concerned. The effects are felt as well by other, nonagricultural areas, and have their impact upon the national economy.

Importation of these products has increased tremendously year after year since about 1957. It has reached proportions where the imports are determining the market price paid to our farmers for their cattle and hogs and sheep.

It has been pointed out that today approximately 11 percent of the beef consumed in the United States is imported. This is an astounding fact when we consider all of the agriculture surpluses we have in this country. The taxpayers are paying huge sums in the interest of agriculture. Farmers are cutting down production; yet imports flow into this country, apparently without any really effective restriction.

Press reports indicate that from January through August of this year, more than 1 billion pounds of beef and veal were sold in the United States by foreign interests. This was an increase of 22 percent over the imports in the previous year.

The imports are not limited to beef. They include also pork, pork products, and lamb. We also import far too many live animals into this country.

This import situation is against the best interests of the individual farmer, of our economy in general, and of the U.S. Government. We should not be encouraging imports of commodities of which we have a surplus.

It has been conservatively estimated that in 1962 our imports of these products displaced the production of approximately 55 million acres of farmland in the United States. In 1963 the figure will be much higher. It is unthinkable that at a time when we are compelling the farmers of America to reduce production, production on millions and millions of acres is being displaced by reason of enormous purchases of foreign livestock, meat, and meat products.

I am told that choice-fed cattle bring about 25 percent less than they did a year ago in the livestock markets of Omaha, Kansas City, and Chicago. Many individual farmer-feeders report they are losing from $80 to $85 per head on cattle they have been feeding.

The losses are not confined to farmers engaged in raising and feeding cattle, hogs, and sheep. They are felt as well by producers of grains, hay, sorghums, and other feeds.

The question has been raised as to whether favoritism and influence may have been used in our import programs, perhaps aggravating an already difficult situation. The little nation of Haiti, for example, which cannot feed its own people adequately, exported to the United States last year some 2.7 million pounds of meat.

As a member of the Committee on Finance, I was pleased, Mr. President, that the committee reported a resolution requesting the Tariff Commission to make a study of the meat imports question and to report to the committee not later than next June 30. I favored that resolution, but it is not enough. We need action, and we need it now.

The Department of Agriculture should use all the power vested in it to lessen the importation of livestock and meat. In addition, Congress should enact remedial legislation. I have a bill designed to curb these imports.

I urge immediate and favorable consideration of the bill I have introduced, S. 1126. I introduced it on March 19, 1963. This bill would place an additional duty or tariff of 25 percent ad valorem upon imports of livestock, meat, and meat products that are in excess of the 1957 level.

This is a reasonable proposal. We are not suggesting that all trade be shut off. Imports were sufficient in 1957; but since that time the imports have gone up and up and up. The situation has become grave, and demands immediate attention.

The economic effects of unreasonable importations of livestock, meat, and meat products are having their impact upon farmers in every State of the Union. They are not only causing farmers to suffer losses; they are also stifling the economy of every agricultural community and every city and town which depends upon agriculture for any part of its business life. Most of them in my part of the country depend upon agriculture very heavily, some of them almost entirely. Action by the U.S. Government to curb these excessive imports would be of great assistance to the farmers of America, to whom we all look to provide the very stuff of life itself.

When those producers of food and fiber suffer, we all suffer in one way or another. In the industrial sections of the Nation, the farmers' economic pinch also can be sensed when we realize that those farmers are foregoing purchases of trucks and machinery used on the farms. They simply cannot afford to replace wornout machines or invest in additional equipment when they know they are going to lose money on their production. This contributes to unemployment in the industrial centers, and does nothing to relieve the problems in the so-called economically depressed areas. It may be noted in passing that not all of the economic depression exists in the urban sections; we have such experiences in the rural sections of the country, too, and excessive meat imports are one of the reasons.

I urge the Congress to act without further delay.

STATE RIGHT-TO-WORK LAWS

Mr. CURTIS. Mr. President, the Supreme Court has made a ruling concerning the State right-to-work laws. Regardless of whether we agree or disagree with right-to-work laws, this decision must be regarded as of great importance, because it declares that the States have a right to act in this area; it validates State right-to-work laws.

I wish to have printed in the RECORD, in connection with my remarks, an editorial on this decision, from the Arizona Republic, of Phoenix, Ariz., dated September 20, 1963; also an editorial from the New York Daily News of December 3, 1963.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Sept. 20, 1963]

PROFITABLE FREEDOM

One of the false arguments against freedom of choice for the wage earner, as exemplified in right-to-work laws now in force in 20 States, long has been that such freedom undermines the wage structure to the extent that the worker, unprotected by enforced union membership, invariably winds up making less money than if he paid for his job by paying union dues.

This is a fallacy long maintained by professional unionists and those of their ideological ilk who fight right-to-work legislation of any variety in a determined effort to give the worker no choice whatsoever between unemployment and subjection to membership or whatever else the union in his place of employment demands. That it is a fallacy has been demonstrated time and again in those States where right-to-work laws make it possible for freedom of choice to coexist peacefully right alongside strongly organized unions. The current issue of U.S. News & World Report for instance, shows how the Nation's job and wage pattern is shifting in a way to confound arguments advanced by those who see nothing but ruination in States where workers have freedom of choice.

Industrially new Arizona, for one, offers an example in proof. For Arizona, one of the first right-to-work States, last year enjoyed an average hourly wage scale of $2.57, exactly 37 cents an hour more than neighboring New Mexico, a non-right-to-work State that has flourished more or less comparatively with Arizona in recent years. Arizona's average hourly wage is 33 cents more than that in Massachusetts, one of those "high-pay" Eastern States which always has fought right-to-work. And in Arizona, factory employment has grown 86.3 percent in 10 years as compared to Massachusetts 6.5-percent loss in such employment.

Take, for instance, Texas and Oklahoma, two States that in oil and agriculture are somewhat alike, and there you find right-to-

work Texas with a $2.32 average wage scale as compared to $2.19 for Oklahoma. Or, while in the West take relatively undeveloped Utah which, despite the alleged handicaps of right-to-work freedoms, still pays 5 cents an hour more than neighboring Colorado.

Consider how industrial doom and starvation for the worker was predicted in Indiana in 1957 when right-to-work legislation was passed. But 5 years later, the average hourly wage was $2.65, a matter of 24 cents an hour above industrial Pennsylvania, and 41 cents above Massachusetts, the State that so fears right-to-work because it will bring down wages. Indiana ranks, too, a matter of 5 cents an hour above neighboring Illinois, generally considered more prosperous.

And so it goes down the line. Nevada, long a right-to-work stronghold, last year paid an average hourly wage of $3.02, the highest of any State in the Union. Kansas, with a right-to-work legislation in force 4 years, paid $2.52, while over the line in Missouri, where workers join unions or else, the average was $2.38.

Those who oppose right-to-work point always to that solid bloc of Southeastern States as the horrible example of an underpaid area to which northern industry has fled. But right-to-work is credited by most authorities with bringing the Carolinas and all the Southeast to a promising new industrial life. True, the average hourly wage there is well below that of most other States as it always has been in that area. But it gets higher every year as industry competes for labor in what was once a workers' wasteland.

All in all it adds up thusly: The 20 right-to-work States by 1962 had an overall average hourly wage increase of slightly more than 3 percent above the overall average for the other 28 States (figures for Alaska and Hawaii are not available) without right-to-work legislation. So, does it look as though the workers in those 20 States are being ground into poverty by ogrelike management because they are not forced one way or another into union allegiance in order to hold their jobs? Indeed, it looks as though those who predict fiscal calamity for both labor and industry in the right-to-work States had better rerun their figures.

It all goes to prove, if you want to be down to earth about it, that freedom in the long run can profit the pocketbook as much as the mind.

[From the New York Herald Tribune, Oct. 20, 1963]

RAYMOND MOLEY REPORTS

The most unusual, not to say incredible, phenomenon in American politics in more than one generation is the widespread demand this far before the Republican convention that Senator BARRY GOLDWATER be chosen as the Republican nominee in 1964.

When there is an incumbent President eligible for another term, the choice is foreordained. But in the party out of power many circumstances have determined the choice other than popular demand for a single individual. Some have been nominated because their managers effectively solicited the pledges of delegates. Some have been selected because of deadlocks. Others have been compromises when parties have been divided. But the demand for GOLDWATER has come from the general public sentiment that there should be an authentic alternative to President Kennedy and that the Arizona Senator represents that sort of opposition.

There are some GOLDWATER supporters who are deeply concerned because in some States the Republican organizations seem unwilling to commit themselves this early. Certain individuals in New York, who helped to create a conservative party in 1962 as a protest against the reelection of Governor Rockefeller and Senator JAVITS, have been talking about pushing into Ohio and, despite the responsible Republican organization there, capturing its delegation for GOLDWATER.

In Ohio there is some talk about offering its Republican Governor, James A. Rhodes, as a favorite-son candidate. But there is no such plan now in the minds of Ohio's responsible Republican leaders.

The reasons for the reluctance of Republican leaders in Ohio to commit themselves lie in certain very practical political considerations which amateur enthusiasts in other States should, in their own interest, heed and respect.

I use Ohio to illustrate the practical facts because my information about the situation there comes from unimpeachable sources. Ohio has probably the most efficient State Republican organization in the entire Nation. Ray C. Bliss, chairman of the State central committee, is largely responsible for that organization. In 1960, Ohio gave the Nixon-Lodge ticket the largest majority which it received anywhere. In 1962, the Republicans swept the State, electing the Governor, a majority of the State legislature, and 18 of the State's 24 Members of the House of Representatives. This efficient organization is prepared to win the State for the Republican ticket in 1964. But it wants no preconvention contest.

Its reason for this is that if GOLDWATER is entered in the primary, there may be other contestants, perhaps Gov. Nelson Rockefeller. This would involve an intraparty fight. Such a fight would consume money and resources badly needed to win in the election itself. It would also engender differences within the party. Since Cleveland and some other cities are Democratic, the Kennedy ticket will be very hard to beat. If the State is lost to President Kennedy, at least three or four incumbent Republican Members of the House of Representatives will be defeated. Hence a contest for the convention delegations would be a prelude to disaster.

Noting this reluctance of Ohio leaders to commit themselves to GOLDWATER, former Vice President Richard M. Nixon in a magazine interview recently said that the fear of a GOLDWATER candidacy in Ohio is because the State is opposed to a right-to-work law, and that while GOLDWATER is against a Federal right-to-work law, he does support such action in States.

This interpretation of the attitude of Ohio Republican leaders by Nixon is not correct. The right-to-work issue is not their motive at all. In 1958, when the Republicans lost the Ohio election, right-to-work was on the ballot and organized labor spent $4.5 million to defeat it. This time, if GOLDWATER runs for President, it would not be a serious issue there. The reason for withholding a commitment to GOLDWATER is as I have explained above.

But my information is positive that GOLDWATER is the preference of an overwhelming majority of Republicans in Ohio. The most powerful leaders in the party there favor GOLDWATER, and when the showdown comes next summer the Ohio delegation will in all probability be for him.

Above all, Ohio people want no interference in their political affairs, from New York or any other State. They have done very well by themselves and for the Republican party in the past.

[From the New York Daily News, Dec. 3, 1963]

TAFT-HARTLEY WINS AGAIN

Florida, like 19 other States, has a right-to-work law—a statute forbidding agreements that workers must belong to labor unions in order to keep their jobs.

Unions in such States often try to get around these laws via so-called agency shop agreements, under which nonunion employees must pay the union the amount of money it charges its members as dues.

Florida's right-to-work law bans agency shop agreements; and the Taft-Hartley Labor Relations Act permits the States to have right-to-work laws.

Yesterday, the U.S. Supreme Court ruled that the Florida courts may enforce the prohibition against agency shops, and that the National Labor Relations Board does not have jurisdiction over such cases.

This is a considerable victory for States rights, whether you approve or disapprove right-to-work laws; and we're glad to note that the Supreme Court hasn't entirely forgotten that the States do have some rights.

OUR POLICY TOWARD CUBA

Mr. STENNIS. Mr. President, those of us who believe that Castro's Cuba presents this Nation today with its most immediate and important international problem were encouraged and gratified to learn that President Johnson has ordered a review and reevaluation of our policy toward the tragic and unhappy Cuban situation. I sincerely hope this review will result in a hard, firm, and determined policy which will oust this Communist menace from the Western Hemisphere and will assure the freedom-loving people of Cuba their God-given right of self-determination.

It will be recalled that the Preparedness Investigating Subcommittee, of which I am privileged to be chairman, earlier this year conducted an extensive inquiry into the Cuban situation. In a report which we issued on May 9, it was stated that the "entire Cuban problem, both military and political, should be accorded the highest possible priority by our governmental officials to the end that the evil threat which the Soviet occupation of Cuba represents will be eliminated at an early date."

The same report, in enumerating the threats and potential threats which the Soviet presence in Cuba presented to the Americas, listed the first as follows:

> Cuba is an advanced base for subversive, revolutionary and agitational activities in the Western Hemisphere and affords the opportunity to export agents, funds, arms, ammunition, and propaganda throughout Latin America.

In discussing that report on the floor of the Senate, I said:

> The invasion of the Western Hemisphere by the forces of godless communism is the gravest and most serious of all the challenges and threats confronting the United States.

I went on to say that one conclusion was certain, and that was that Fidel Castro—aided, support, and bolstered by his Soviet masters and their military might—is in every way possible spurring, supporting, and abetting the efforts of the Communists and other revolutionary elements to subvert, overthrow, and seize control of the governments of Latin America.

While the accuracy and validity of these statements were really beyond challenge at the time when they were made, any lingering doubt that may have existed as to their truth has certainly been laid to rest by recent events in Venezuela and elsewhere in Latin America. It is

now clear beyond all question that—by covert aggression, infiltration, guerrilla warfare, and agitation—Castro, with Soviet support, is mounting a coordinated and stepped-up effort to subvert and overthrow existing governments in this hemisphere and to replace them with dictatorial regimes modeled in the Soviet image.

It takes only a casual glance about to convince us that, with respect to subversive, revolutionary, and agitational activities stemming from Cuba, the situation in Latin America has worsened, rather than improved, since the subcommittee issued its report.

During November, the pro-Castro terrorists in Venezuela raised their campaign of violence to a fever pitch in their unsuccessful attempt to sabotage the December 1 election. This campaign included numerous attacks on United States-owned properties; the kidnaping of Col. James K. Chenault, deputy chief of the U.S. Army mission; and the sending of packaged bombs to the chief presidential candidates and a U.S. Embassy official. On November 28, a 3-ton cache of terrorist arms, valued at about $350,000, was found on a Venezuelan beach. Incontrovertible evidence has established that these arms were of Cuban origin.

On Saturday of last week, we all read that the Communists in Bolivia had captured, and were holding as hostages, three U.S. officials and a Peace Corps volunteer. These American nationals have not yet been released.

It is unnecessary for me to recite additional instances. The occurrences in Venezuela and elsewhere make it very clear that our Latin American neighbors face an unrelenting Communist-inspired campaign of organized terror. Under these circumstances, a mild reaction from us will be of little avail. Mere words will be worse than useless. Positive action is required, to halt this violence and subversion. This can best be done by choking it off at its source—Castro's Cuba.

For all of these reasons, Mr. President, I applaud and endorse President Johnson's action in directing that our policy toward Cuba be reviewed. I hope this review will result in an effective and vigorous policy to rid this hemisphere of the menace of communism. We have given repeated pledges to our neighbors to the south that they will be protected against overt or covert aggression and arm d intervention from Cuba. Now is the time to honor and redeem these pledges.

I believe, Mr. President, that President Johnson now has an opportunity to strike a decisive blow for liberty and representative government in the Americas. The action of the Organization of American States on December 3 in voting to conduct an investigation of Venezuela's charges perhaps opens the door for the first time for collective action against Castro.

As I have said, there is now hard and incontrovertible evidence of Castro's involvement in the revolutionary activities in Venezuela. This and other evidence would more than justify strong and drastic action against Castro by the Organization of American States.

The ACTING PRESIDENT pro tempore. Under the morning hour limitation, the time available to the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I hope the full weight of the United States will be marshaled in support of Venezuela in the OAS, and that the Organization, acting under the various treaties which are involved, will take vigorous and prompt action to secure and insure the peace of this hemisphere. If economic and diplomatic sanctions are adequate for this purpose, then well and good. If they are not, then harder and sterner measures must be applied.

I support the principle of collective action; but, whether we act collectively or are forced to go it alone or almost alone, the President will have my complete and wholehearted support in any positive, determined, and resolute action which he may take to face up to the cold, hard, and unpleasant facts and to make clear that we will not countenance, either in Cuba or elsewhere in the Americas, the creation or use of any externally supported military capability which endangers our security or that of the Western Hemisphere.

COMMUNITY ACTION BY AMERICAN LEGION IN HEMPSTEAD

Mr. KEATING. Mr. President, some time ago, I inserted in the RECORD an inspiring story about the generosity of Long Island labor unions. Construction workers in and around Hempstead, N.Y., had offered their time and their energies to build a cancer research center and a cerebral palsy clinic.

It has just come to my attention that another organization whose work for the welfare of the community is well known—the American Legion—has made a generous contribution to the very same cerebral palsy patients now using the new clinic. For 3 years before the new building was erected, the Hempstead Post No. 390 of the Legion provided the facilities for the care and treatment of cerebral palsy victims. They built a new wing on their $250,000 clubhouse and turned it over to the Cerebral Palsy Society rent free for 3 years while the new home was being built. The Legionnaires even paid for the gas and electricity used. At their own expense they built a ramp so that children could be moved with greater ease, and they paid the exenses of round-trip transportation for a stricken patient from Hempstead to the new clinic at Roosevelt.

It is indeed edifying to see so many citizens of this area giving of their time, energies, and resources with their only reward—as one Legionnaire put it—"the smile of some child we were helping." This is the kind of community spirit that built America. I am proud that American Legion Post No. 390 is in my State.

NEW YORK FALLS TO FOURTH PLACE IN DEFENSE WORK

Mr. KEATING. Mr. President, the latest figures released by the Department of Defense reveal that New York's share of defense procurement is declining with every quarter of the fiscal year. For the first quarter of 1964; that is the period from July to September 1963, New York has dropped from second to fourth place. That is a drop of 17 percent from the same time last year.

The top 10 States and the percentage of total defense dollars they received from July through September 1963 are:

California: $1,346 million—21.1 percent.

Washington: $693 million—10.9 percent.

Missouri: $497 million—7.8 percent.

New York: $416 million—6.5 percent.

Texas: $352 million—5.5 percent.

Ohio: $331 million—5.2 percent.

Florida: $306 million—4.8 percent.

Connecticut: $285 million—4.5 percent.

Massachusetts: $187 million—2.9 percent.

Virginia: $164 million—2.6 percent.

Never before in my memory has New York received a smaller share of defense work. Last year, for the same quarter, New York received 7.8 percent as against 6.5 percent now. For the whole fiscal year 1963 New York received 9.9 percent. This compares with 10.7 percent in fiscal 1962 and 12 percent in fiscal 1961.

Moreover, this quarter that I refer to shows a larger dollar volume of procurement than any other quarter since 1951. The month of September alone set a monthly record. Thus even though we can expect this figure to increase and average out somewhat higher in future months, the outlook is not good.

What is more, statistics released by the Defense Department show that the concentration of defense work each year goes more and more to large firms. Small firms, those technically defined as small businesses, are more numerous in New York than in any other State. Yet small businesses throughout the country also received a declining share of defense work—only 27.8 percent so far this year, as compared with 34.5 percent for the first quarter of last fiscal year. And only 15.8 percent of prime contracts compared with 17.8 percent for the same period last year.

The explanation given by the Defense Department for these figures is that many of these contracts, awarded early in the fiscal year, went to airframe, engine, missile, and space systems producers. These are fields in which the Defense Department claims that small business has only limited possibilities. But that explanation is not satisfactory because many of us believe that small firms should have a larger and more direct part in this work; in many instances, this belief is supported by the independent reporting of the Comptroller General.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 2 additional minutes.

Mr. KEATING. Mr. President, we have recently heard a lot of talk about cutting defense costs, "paring military expenses to the bone," as it has been put. Yet it is interesting to observe that the massive trend for closing down installations—a good many of which seem to be in New York—and centralizing operations is not having that effect at all of saving money. A report just issued by the General Accounting Office has pointed out a good many economies can be realized through decentralization, through letting each facility buy the simple common equipment like nuts and bolts that it needs, instead of operating through centralized procurement centers. This is the exact opposite of the present trend.

Incidentally, I was pleased to note that the smallest of these supply costs were accrued at the Rome Air Materiel Area in Rome, N.Y., which is responsible for procuring electronic parts. Also Roama had the lowest average annual management cost per supply item of any procurement center studied.

In short, it seems to me that the type of centralization which is taking place more and more in defense work is of dubious value. It does not always produce the desired economies, as the Comptroller General has ably pointed out. It puts small business at a serious disadvantage. And it gives rise again and again to questions of political influence that, whether proven or not—and I am not making any such charge—but nevertheless questions arise that are damaging to the morale of all concerned.

In my view, Mr. President, the real source of economy, the real place to start in cutting defense costs is not by setting up new monopolistic centers that concentrate on negotiated procurements with large firms, but rather by increasing the overall competition for defense dollars. The last available figures still show that only about 13 percent of defense work is freely and openly bid on. Although many contracts are negotiated with more than one firm, about one-half of the dollar amount is completely noncompetitive. Report after report from the General Accounting Office has called for more competition. That is the direction for genuine savings, as well as fair treatment for all States and businesses.

BAY KOW JUNG

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 685, House bill 1273.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1273) for the relief of Bay Kow Jung.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

REINSTATEMENT AND VALIDATION OF CERTAIN U.S. OIL AND GAS LEASE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 731, House bill 1233.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1233) to provide for the reinstatement and validation of U.S. oil and gas lease No. Sacramento 037552–C, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 751), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of H.R. 1233, which was sponsored by the Honorable B. F. SISK, representing the 17th California District, is to do equity to a private citizen who in reliance upon erroneous information from Federal officials, invested his money, time, and effort in developing a Federal oil lease which had in fact been previously terminated by operation of law. Specifically, the measure reinstates U.S. oil and gas lease Sacramento 037552–C, extends the time thereof for 2 years from the date of enactment of the bill and for so long thereafter as oil or gas is produced in paying quantities, and directs the Secretary of the Interior to approve the assignment of the lease subject to statutory requirements for qualification of the assignee. The assignee would be required to pay accrued rental and post proper drilling bond in the amount required by regulations.

NEED

Oil and gas lease Sacramento 037552–C covering a tract of Federal public lands in the vicinity of Fresno, Calif., was issued effective May 1, 1948, for 5 years, after which it was extended for 5 years to April 30, 1958, and so long thereafter as oil or gas is produced in paying quantities.

There were some intervening partial assignments after which on April 30, 1958, a commercial oil well was completed in one area. As a result of a misunderstanding of a recent amendment to the Mineral Leasing Act local representatives of the Department of the Interior held incorrectly that oil and gas lease Sacramento 037552–C was considered to be extended for 2 years from April 30, 1958, instead of the period indicated above; i.e., for the duration of the production of oil or gas in paying quantities.

On April 7, 1960, the lease was assigned to James P. Psaltis who filed it with a request for approval of the assignment. In the meantime, Mr. Psaltis initiated drilling operations and expended in excess of $7,000. He continued these drilling operations until May 9, 1960, when he was informed by the Geological Survey that the lease had expired because production had actually ceased in July 1959, and reworking or further operations had not been started again within 60 days of cessation of production as required by the Mineral Leasing Act (30 U.S.C. 226(f)).

Mr. Psaltis claimed, and during committee hearings in the House the Department verified, that he had been informed by employees of the Geological Survey at Taft, Calif., and employees of the Bureau of Land Management at Sacramento, Calif., that the termination date of oil and gas lease Sacramento 037552–C was April 30, 1960. Relying on this, he believed that when he obtained an assignment of the lease, on April 7, 1960, he was obtaining the assignment of a valid, existing lease. Nonetheless, in view of the statutory provisions cited above, the Secretary of the Interior is without authority to recognize the assignment because the lease had terminated prior thereto.

Inasmuch as Mr. Psaltis in good faith obtained an assignment and expended considerable money in drilling operations, the committee is of the opinion that oil and gas lease Sacramento 037552–C should be reinstated and Mr. Psaltis' assignment recognized if he qualifies to hold a lease under the provisions of the Mineral Leasing Act.

Enactment of H.R. 1233 will authorize reinstatement and validation of said oil and gas lease and permit the Secretary of the Interior to process the assignment in accordance with existing laws and regulations.

COSTS

No appropriations are authorized nor contemplated by H.R. 1233.

Mr. MANSFIELD. I ask unanimous consent that in these instances and in other instances which may develop today, I may, at an appropriate point in the RECORD, insert reports and other reasons justifying the various legislative proposals.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. ERVIN. Mr. President, the fall 1963 issue of the North Carolina Law Review carries a symposium entitled "Civil Rights and the South." Included in this symposium is an article written by me, entitled "The U.S. Congress and Civil Rights Legislation."

While this article analyzes the specific provisions of S. 1731, which was introduced in the Senate on June 19, 1963, it contains many observations which are relevant to the provisions of H.R. 7152, which was reported to the House by the House Committee on the Judiciary on November 20, 1963, and which is now pending before the House Committee on Rules. As indicated by my article, S. 1731, H.R. 7152, and all other so-called civil rights bills of modern vintage are subject to the following objections:

First. They are wholly unnecessary for the very simple reason that sections 241, 242, and 371 of title 18 of the United States Code and sections 1983 and 1985 of title 42 of the United States Code are sufficient to secure to all Americans of all races every right given them by the Constitution and laws of the United States.

Second. Many of their provisions are incompatible with specific provisions of the Constitution, such as article I, section 2, article II, section 1, and the 17th amendment, vesting in the legislatures of the several States the power to prescribe the qualifications for voters; article I, section 1, vesting in Congress all the legislative powers of the Federal Government; the 5th amendment prohibiting the Federal Government from depriving any person of life, liberty, or property without due process of law; and the 14th amendment restricting the power of Congress to legislate in respect to State action only in the particulars enumerated.

Third. Virtually all of their provisions are incompatible with the Federal system of government established by the Constitution. As the Supreme Court so well declared in Texas against White, the Constitution in all its provisions "looks to an indestructible Union composed of indestructible States."

Fourth. Many of their provisions are inconsistent with the fundamental principle of justice which decrees that all laws should apply in like manner to all men in like circumstances.

Fifth. Many of their provisions vest uncontrolled and uncontrollable discretionary power in Federal officials and, for that reason, are irreconcilable with the principle that we have a government of laws rather than a government of men.

Sixth. Many of their provisions undertake to rob all Americans of basic economic, legal, personal, and property rights for the supposed benefit of only one segment of our population and, for that reason, conflict with the principle that all men are entitled to stand equal before the law.

Seventh. They attempt to solve, by the coercive power of Federal law, problems which can only be solved in a satisfactory manner by cooperation, good will, and tolerance on the part of the people in local communities.

Eighth. They are based upon the fallacy that men can achieve economic and social satisfaction by the coercive power of law rather than by their personal exertions.

When all is said, those of us who oppose civil rights proposals of this nature are seeking to preserve the system of government ordained by the Constitution, and the basic economic, legal, personal, and property rights of individuals for the benefit of all Americans of all races and all generations. As one of the greatest students of American government, Woodrow Wilson, declared:

> The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

Since my article in the fall 1963 issue of the North Carolina Law Review points out some of the defects in the pending civil rights proposals, I ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.S. CONGRESS AND CIVIL RIGHTS LEGISLATION

(By SAM J. ERVIN, JR.)

Recent years have seen a spate of legislation proposed and enacted allegedly designed to protect the civil rights of American citizens. In the next few pages, I should like to analyze some of the attitudes and philosophies behind this legislation, and to show why I consider them constitutionally defective.

I

At the very beginning I must declare my opposition to those who hold that a Senator should pay little heed to constitutional questions; instead, seems the attitude, a Senator should concern himself only with policy, relying on the Supreme Court to supply the judgment as to the constitutionality or unconstitutionality of the legislation. There are several answers to such an argument.

First, I as a Senator take my oath of office by swearing fealty to the Constitution of the United States. Just as Chief Justice John Marshall found the source of judicial review in this oath taken by him, so can a Senator honestly repeat the always timely message that it is the Constitution he is expounding. Moreover, the Supreme Court gives a presumption of constitutionality to any law passed by the Congress. Especially, since 1938 this is true of legislation passed under the commerce clause, a clause now being discovered allegedly to have application to the racial problem. For a Senator to deny himself the responsibility of consideration of the constitutionality of legislation would be to deny the very premise of constitutional presumption—that the Court can presume constitutionality because the Congress itself has fully considered the constitutional issues involved.

Moreover, even if one admits that certain proposals would be constitutional in the narrow sense that they would be upheld by a contemporary Supreme Court, "constitutionality" carries with it a broader meaning than that. Cynics are fond of quoting Mr. Hughes' comment that the Constitution is what the courts say it is. To say this, which is only half-true, and stop, is to distort the meaning of the American experience, which attempts, insofar as humanly possible to institute a government of unvarying principles. Alexander Bickel put the issue well in an article in the New Republic on title II of the Civil Rights Act of 1963 (S. 1731),[1] when he said "what the Court will establish as a matter of constitutional power under the Commerce Clause does not necessarily dispose of all issues of principle, either for the Court or for Congress. There may be reasons of principle that should cause Congress not to exercise its commerce power at all, or to the full."[2] Thus, even though I question seriously even the "technical" constitutionality of the proposed civil rights legislation, should I admit that the Court would uphold them, ad arguendo, I would still insist that the "higher meaning" of "constitutionality" would then come into play and would serve to defeat the legislation.

The central, overwhelming defect of proposed civil rights legislation is the abrogation of the principle of federalism involved in all of the proposals. And, it is sadly true that the Supreme Court itself has been one of the chief agents of taking away traditional rights from the States and investing them in an ever more powerful centralized Federal Government. Thus, it is up to the Congress as a whole and to each individual Representative and Senator to remember his oath and to protect the original meaning of the Constitution.

The men who composed the Constitutional Convention in 1787 comprehended in full measure the everlasting political truth that no man or set of men can be safely trusted with governmental power of an unlimited nature. In consequence, they were determined, above all things, to establish a government of laws and not of men. To prevent the exercise of arbitrary power by the Federal Government, they inserted in the Constitution of the United States the doctrine of the separation of governmental powers.

They delegated to the Federal Government the power necessary to enable it to discharge its limited functions as a central government and left to the States all other powers. It was this use of the doctrine of the separation of powers which prompted Chief Justice Salmon P. Chase to make these memorable remarks in his opinion in *Texas* v. *White*.[3]

"Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States."[4]

The proponents of current civil rights legislation, many of them undoubted men of good will, would, in an attempt to meet a genuine problem concerning the inflamed nature of relations between the races in this country, pounce upon an even more pressing need—the need to preserve limited, constitutional government in an age of mass bureaucracy and centralization.

Much of the proposed legislation would obliterate our Federal system. For example, the so-called literacy bills would contravene the specific constitutional assignment to the States to set the qualifications for their voters, limited only by the command of the 15th amendment that racial qualifications are unconstitutional. Instead, the proponents of such measures would have the U.S. Congress arbitrarily impose its own definition of literacy upon the States. In addition, the 1963 version of the bill, incorporated as title I of S. 1731,[5] would even allow the Federal Government to take over the registration machinery from a locality if a judge found that less than 15 percent of the members of one race were registered to vote.

Everyone qualified should be allowed to register and vote or else our democratic heritage is trampled in the ground. Prosecution, by the State or Federal agencies with jurisdiction, of individuals, who under color of law discriminate, should be vigorous. There are laws already on the books to accomplish this. Federal prosecution is guaranteed under provisions of 18 U.S.C. 242,[6] 18 U.S.C. 241,[7] and 18 U.S.C. 371.[8] In addition, there are the Civil Rights Acts of 1957[9] and 1960[10] which put further laws at the disposal of the Attorney General and his staff.

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[1] S. 1731, 88th Cong., 1st sess. (1963) (hereinafter cited as S. 1731).

[2] Bickel, "Civil Rights and the Congress," the New Republic, Aug. 3, 1963, p. 14.

[3] 74 U.S. (7 Wall.) 700 (1868).

[4] Id. at 725.

[5] S. 1731, § 101.

[6] 18 U.S.C. § 242 (1948).

[7] 18 U.S.C. § 241 (1948).

[8] 18 U.S.C. § 371 (1948).

[9] 71 Stat. 634 (codified in scattered sections of 5, 28, 42 U.S.C.).

[10] 74 Stat. 86 (codified in scattered sections of 18, 20, 42 U.S.C.).

Unfortunately, from the standpoint of some people, these laws all preserve such time-consuming and inconvenient procedures as the necessity for full and convincing proof in individual cases, and the guarantees of trial by jury. Thus, in their haste to achieve the end to any discrimination in voting anywhere, these zealots are willing to trample on traditional judicial guarantees and to destroy the Federal system.

The entire "Civil Rights Act of 1963" can be used as illustration of this theme, for every title has the Federal Government further intruding into State and local affairs. It would be well for our country if the advocates of such legislation would pause and ponder these wise words of Mr. Justice Sutherland:

"Every journey to a forbidden end begins with the first step; and the danger of such a step by the Federal Government in the direction of taking over the powers of the States is that the end of the journey may find the States so despoiled of their powers, or—what may amount to the same thing—so relieved of the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified." [11]

The most obvious example of such attempts to reduce the States to meaningless zeroes on the Nation's map is, of course, the public accommodations section of the act, title II.[12] Hopefully, Congress will correctly recognize that few more blatantly unconstitutional and unwise pieces of legislation have ever been proposed. But, whatever the legislative fate of title II, it is still profitable to examine the philosophies behind it.

We do well to look to the words of an eminent jurist, Mr. Justice Frankfurter, in regard to the interstate commerce clause:

"The interpenetrations of modern society have not wiped out State lines. It is not for us to make inroads upon our Federal system either by indifference to its maintenance or excessive regard for the unifying forces of modern technology. Scholastic reasoning may prove that no activity is isolated within the boundaries of a single State, but that cannot justify absorption of legislative power by the United States over every activity." [13]

Now it is true that this same jurist also preached that the judgment regarding the balance between the State and Federal Government, especially in regard to the commerce clause, was to be left to the legislative bodies themselves. This points out once again, I believe, the overwhelming importance of the necessity of a Senator or Repsentative to consider fully the constitutional implications of legislative proposals.

The enactment of title II would open the door for Federal supervision over any and every facet of an individual's life. Once we begin using the commerce clause to affect matters that have no rational connection with the free flow of goods, then we have fatally dropped the bar to governmental tyranny that was the purpose of the original framers of the Constitution, who were so careful to construct safeguards against an all-encompassing Federal Government. Again, it is not a matter of the end served. Progress in voluntary desegregation of places of public accommodations is to be applauded. But law, and especially law emanating from the impersonal Federal Government, cannot change social customs; only local men of good will of both races, meeting, and talking frankly together, can solve those problems which exist between the races.

The attempts being made to erase State lines are not only manifestly unwise, but also clearly unconstitutional. I might refer my readers to the hearings of the Committee on the Judiciary of the Senate on S. 1731 [14] held in July, August, and September of this year for a full discussion of the unconstitutionality of the legislation. But even a cursory glance at judicial precedent will indicate the constitutional unworthiness of the bill. It is enough to refer to the civil rights cases [15] of 1883, to dismiss the claim that the 13th or 14th amendments offer sustenance to the provision. One need only quote from Mr. Justice Bradley's majority opinion where he stated: "It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment." [16] Even those decisions which have extended, and in my opinion, unwarrantably, the concept of State action, have always been careful to point out the interrelationship between the State and the operation regulated. Thus, for example, two controversial decisions [17] both reaffirmed the traditional understanding of the 14th amendment. As stated in *Shelley* v. *Kraemer*: [18]

"Since the decision of this Court in the civil rights cases * * *, the principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.[19]

Justice Clark, writing for the Court in *Burton* v. *Wilmington Parking Authority* [20] further stated that "private conduct abridging individual rights does no violence to the Equal Protection Clause unless to some significant extent the State in any of its manifestations has been found to have become involved in it." [21]

The interstate commerce clause is also a dubious peg on which to hang the public accommodations bill. Never before has the clause been used to regulate that which has absolutely no connection with the manufacture, labeling, or shipment of goods. Here, too, those decisions which apparently go farthest in the opposite direction actually support this view. For example, *Wickard* v. *Filburn*,[22] which the proponents of title II cite as authority for their position, actually supports my view, in that the decision did nothing more than carry to its logical, if absurd, conclusion the concept that goods which affect other goods in their flow through interstate commerce are covered by the terms of the commerce clause. Thus, poor farmer Filburn's wheat was held to affect the status in interstate commerce of all other wheat. How one can derive from this case any conclusion that the interstate commerce clause could be used to compel whom Mr. Filburn must hire or to whom he must sell, is beyond my understanding. To destroy the Federal system and the liberties guaranteed by that system, with its prevention of centralized tyranny, in order to legislate alleged equality, would be to destroy constitutional government. We should hearken to the words of Mr. Justice Harlan, speaking to the American Bar Association.

"Our Federal system, though born of the necessity of achieving union, has proved to be a bulwark of freedom as well. We are accustomed to speak of the Bill of Rights and the 14th amendment as the principal guarantees of personal liberty. Yet it would surely be shallow not to recognize that the structure of our political system accounts no less for the free society we have. Indeed, it was upon the structure of government that the founders primarily focused in writing the Constitution. Out of bitter experience they were suspicious of every form of all-powerful central authority and they sought to assure that such a government would never exist in this country by structuring the Federal Establishment so as to diffuse power between the executive, legislative, and judicial branches. The diffusion of power between Federal and State authority serves the same ends, and takes on added significance as the size of the Federal bureaucracy continues to grow.

A federal system is of course difficult to operate, demanding political genius of the highest order. It requires accommodations being made that may often seem irksome or inefficient. But out of that very necessity usually comes pragmatic solutions of more lasting value than those emanating from the pens of the best of theoretical planners. Unless we are prepared to consider the diversified development of the United States as having run its course and to envisage the future of the country largely as that of a welfare society we will do well to keep what has been called the delicate balance of Federal-State relations in good working order." [23]

As Justice Harlan says, the reason for the preservation of the federal system is that that system is the best guarantor of our fundamental liberties. I concur wholeheartedly in the mordant analysis of Robert Bock of Yale University's Law School, when he says:

"Instead of a discussion of the merits of legislation, of which the proposed Interstate Public Accommodations Act outlawing discrimination in business facilities serving the public may be taken as the prototype, we are treated to debate whether it is more or less cynical to pass the law under the commerce power or the 14th amendment, and whether the Supreme Court is more likely to hold it constitutional one way or the other * * *. The discussion we ought to hear is the cost of freedom that must be paid for such legislation, the morality of enforcing morals through law, and the likely consequences for law enforcement of trying to do so." [24]

Truly, in the midst of the cynical debate on how best can sections of the Constitution be stretched beyond their traditional understanding to encompass the aims of certain social theorists, there is all too little discussion of the immense price in personal liberty and freedom that will be the cost of such so-called reform. Once again we are well advised by Mr. Justice Harlan, who when writing in *Peterson* v. *City of Greenville*,[25] stated:

"Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order: liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection

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[11] *Carter* v. *Carter Coal Co.*, 298 U.S. 238, 295–96 (1935).

[12] S. 1731, §§ 201–205.

[13] *Polish Nat'l Alliance* v. *NLRB*, 322 U.S. 643, 650 (1943).

[14] Hearings on S. 1731 before the Senate Committee on the Judiciary, 88th Cong., 1st sess. (1963).

[15] 109 U.S. 3 (1883).

[16] Id. at 11.

[17] *Burton* v. *Wilmington Parking Authority*, 365 U.S. 715 (1961); *Shelley* v. *Kraemer*, 334 U.S. 1 (1947).

[18] Supra note 17.

[19] 334 U.S. at 13.

[20] 365 U.S. 715 (1961).

[21] Id. at 722.

[22] 317 U.S. 111 (1942).

[23] Address by Associate Justice Harlan, American Bar Center, Aug. 13, 1963.

[24] Bock, "Civil Rights—A Challenge," the New Republic, Aug. 31, 1963, pp. 21–22.

[25] 373 U.S. 244 (1963).

from governmental interference. This liberty would be overridden, in the name of equality, if the strictures of the [14th] amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority." [26]

Thus, in summary, the main substantive constitutional defect of proposed civil rights legislation is the abrogation of the Federal system that would come in the aftermath of choosing equality over liberty and freedom. I have spoken briefly only of two particular items of legislation, the literacy bill and the Public Accommodations Act, but both stand for the entire range of proposed legislation, all revolutionizing our traditional understanding of the meaning of liberty within the American federal system.

II

The first section of this article was intended to expose briefly the chief substantive demerit of proposed civil rights legislation—the loss of the traditional liberty guaranteed by, among other things, the federal system, in an attempt to legislate equality. In this section, however, I should like to consider the chief procedural defect of this proposed legislation, a defect so great in itself as to raise serious constitutional questions. I am speaking of the vast amount of discretionary power that would be lodged in various parts of the executive department by the proposed bill.

Our ancestors appraised at its full value the everlasting truth embodied in Daniel Webster's assertion that "whatever government is not a government of laws is a despotism, let it be called what it may." Consequently they prized very highly the following concept: that our courts should administer equal and exact justice according certain and uniform laws applying in like manner to all men in like situations.

Titles I,[27] II,[28] and III [29] of S. 1731 all give the Attorney General of the United States the power to intervene in disputes between the individual and the allegedly discriminating officials or individuals. In the case of title I, dealing with voting rights, the new grant of power merely continues the unwise precedents established in the Civil Rights Acts of 1957 [30] and 1960.[31] But the remaining two titles feature entirely new grants of power. Thus, section 204 (a) and (b) read:

"SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203 [discrimination in public accommodations], a civil action for preventive relief * * * may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he certifies that he has received a written complaint from the person aggrieved and that in his judgment (i) the person aggrieved is unable to initiate and maintain appropriate legal proceedings and (ii) the purposes of this title will be materially furthered by the filing of an action.

"(b) In any action commenced pursuant to this title by the person aggrieved, he shall if he prevails be allowed a reasonable attorney's fee as part of the costs." [32]

Likewise, title III gives the Attorney General the discretionary power to institute suits in behalf of school desegregation.[33]

By these provisions, the bill proposes to do these two things: (1) to establish a new procedure for the enforcement or vindication of certain supposed civil rights of private persons at the expense of the taxpayers; and (2) to confer upon one fallible human being; namely, the temporary occupant of the Office of the Attorney General, whoever he may be, the despotic power to grant the benefit of the procedure to some persons and withhold it from others.

The proposed law is scarcely operative at all unless the Attorney General, acting either with or without reason, so wills. This is not government by law. It is government by the whim of the Attorney General.

It is to be noted, moreover, that the new procedure to be authorized by the bill is to be used for and against such persons only as the Attorney General may select. This being true, the bill is utterly repugnant to the fundamental concept that courts are created to administer equal and exact justice in compliance with certain and uniform laws applying in like manner to all men in like situations. Moreover, section 204(b) [34] requires a successfully prosecuted defendant to pay the costs of his prosecution, whereas if he successfully defends himself, there is no like payment of his costs by the plaintiff. This goes against every canon of equal justice and equal protection and is a particularly glaring example of the fundamental corners some are willing to cut in order to reach allegedly worthwhile goals.

There is always danger that discretionary governmental power may permit the public officer in whom it is reposed to rule arbitrarily without the restraint of law. As a consequence, no legislative body should ever adopt any statute conferring discretionary governmental power upon any public officer unless such statutes satisfies the only valid test of the advisability of legislation of this nature. The test is to measure the evil a bad public officer may do under the proposed law rather than the good a good public officer may do under it.

The above-mentioned titles, in addition to title VI,[35] which would grant the President the uncontrolled power to cut off Federal aid to any projects which he, for whatever reason, deemed to be "discriminatory," cannot satisfy this test. If they were enacted, they would vest in the temporary occupant of the office of Attorney General, regardless of his character or qualifications, absolute power to act or refrain from acting in the premises at his uncontrollable discretion. Thus the proposed laws, especially the one allowing for the arbitrary cutoff of federal aid, would constitute a political weapon of the first magnitude which any administration which happens to believe in pragmatic politics could pervert from their avowed purposes to curry favor with some groups or to browbeat state officials into submission to its will. This is especially true where, as in the case of these bills, the words central to the bills, such as "discrimination" or "racial imbalance," or "substantial," etc., are not defined so as to give anyone a reasonable assurance as to when he might be covered.

This is a despotic power which no good Attorney General or President ought to want and no bad Attorney General or President ought to have.

I happen to adhere to the old-fashioned belief that it is Congress which is responsible for legislating and not the executive department or so-called independent agencies. A major defect of most proposed civil right legislation, is that Congress is asked to make vague declarations of policy and then to cede effective legislative power to administrators or officials within the body of the executive itself.

Title VI is simply the most glaring instance of this. Here the President would have the absolute, arbitrary right to cripple an entire State or even region should he invoke the in fact legislative power delegated to him by Congress. Title VII [36] is a like piece of both unconstitutional and unwise delegation of legislative power to the Executive:

"The President is authorized to establish a Commission to be known as the 'Commission on Equal Employment Opportunity,' hereinafter referred to as the Commission. It shall be the function of the Commission to prevent discrimination against employees or applicants for employment because of race, color, religion, or national origin by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the U.S. Government is provided by way of grant, contract, loan, insurance, guaranty, or otherwise. The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President. The President may also confer upon the Commission such powers he deems appropriate to prevent discrimination on the grounds of race, color, religion, or national origin in Government employment." [37]

Thus, Congress is asked for a vague mandate—the prevention of discrimination. But "The Commission shall have such powers * * * as may be conferred upon it by the President." If this is not recognized as an unconstitutional delegation of power, then our view of the alleged separation of powers must undergo a radical change.

In summation then, to effect a good end—the ending of arbitrary discrimination against any American, regardless of his race or color—advocates of civil rights legislation are willing to trample on traditional procedural liberties, among them the freedom from arbitrary discretionary power vested in a powerful Central Government. I might say that, should such legislation continue to be introduced and passed, then several years from now we will need new civil rights legislation to protect all of us from the abuses of an arbitrary Federal Government. Then those of us who had fought to preserve the Constitution from the beginning may have a rueful last laugh, as the truth of the old maxims that "the end does not justify the means" and "power corrupts; and absolute power corrupts absolutely" will be recognized.

III

Substantively and procedurally, then, the proposed civil rights legislation suffers from fatal defects, manifesting not only the unwisdom of the bills, but also their unconstitutionality. When all is said, certain provisions of S. 1731 would confer upon officers within the executive branch autocratic powers which may befit the office of commissar of justice in a totalitarian country, but which are incompatible with the office of chief law enforcement division of a republic having a government of laws rather than a government of men.

Undoubtedly, Daniel Webster had such governmental actions in mind as those proposed by S. 1731 when he uttered these eloquent words:

"Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our treasury, future industry may replenish it; if it desolate and lay waste our fields,

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[26] Id. at 250 (separate opinion).

[27] S. 1731, § 101.

[28] S. 1731, §§ 201–05.

[29] S. 1731, §§ 301–10.

[30] 71 Stat. 634 (codified in scattered sections of 5, 28, 42 U.S.C.).

[31] 74 Stat. 86 (codified in scattered sections of 18, 20, 42 U.S.C.).

[32] S. 1731, §§ 204 (a), (b).

[33] S. 1731, § 307.

[34] S. 1731, § 204(b).

[35] S. 1731, § 601.

[36] S. 1731, §§ 701–03.

[37] S. 1731, § 701.

still, under a new cultivation, they will grow green again, and ripen to future harvests.

"It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt.

"But who shall reconstruct the fabric of demolished government?

"Who shall rear again the well-proportioned columns of constitutional liberty?

"Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity?

"No, if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful and melancholy immortality. Bitterer tears, however, will flow over them than ever were shed over the monuments of Roman or Grecian art; for they will be the monuments of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty."[38]

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for quorum call may be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, despite the 3-minute limitation during the morning hour, 10 minutes be allotted to the Senator from New York [Mr. KEATING].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPROPRIATIONS FOR JUSTICE DEPARTMENT CIVIL RIGHTS DIVISION

Mr. KEATING. Mr. President, I am grateful to the majority leader. I do not believe I shall require that much time, but I do wish to clear up something which occurred yesterday. Yesterday I gave notice on the floor of the Senate of my intention to propose an amendment to the State, Justice, Commerce, the Judiciary, and related agencies appropriations bill (H.R. 7063) which would restore to the item, "salaries and expenses, general legal activities," the full budget request for personnel in the Civil Rights Division of the Department of Justice.

At that time, as I stated, I had made only a preliminary investigation of the relevant facts and figures. I had relied to some extent upon an article published in yesterday morning's New York Times for some of the details surrounding the item for the Civil Rights Division.

I have since had the chance to explore the matter at greater length and would like to keep the record straight on what the situation is and what the proposed amendment is intended to accomplish.

First. In both fiscal year 1962 and 1963, and at the present time, there were and are 81 full-time positions in the Civil Rights Division. Right now, they are all filled; there are no vacancies. Of these 81 positions, 40 are lawyers, and 41 are clerical personnel.

Second. The Justice Department has said—and those fully conversant with its enforcement functions under the civil rights laws have concurred—that it cannot properly perform its increasingly heavy caseload duties without additional personnel. The present staff is tremendously overburdened with its current litigation and other important activities in voting, school desegregation, police brutality, and other principal categories of cases. Some measure of the insuperable burdens placed on the present staff lies in the overtime that has been logged. In fiscal year 1962, the clerical staff, 41 in number, had under 2,500 hours of compensated overtime; in fiscal 1963, it has logged more than double the overtime for the previous year—5,069 paid overtime hours for clerical personnel. The lawyers' overtime is more difficult to calculate, because many in the legal staff—for example, those in the appellate section of the Civil Rights Division—handle in addition to strictly civil rights cases a large number of appeals in matters of Federal parole and custody arising out of the administration of the Federal prisons. Right now, however, 20 to 35 lawyers in the Civil Rights Division who concentrate on civil rights assignments are carrying the brunt of the average of 525 hours per week of uncompensated overtime for the legal staff as a whole. That is an average, and applicable to the entire legal staff. I repeat, however, that those lawyers who are handling civil rights cases proper are carrying the brunt of the overtime burdens. They are logging the overtime gratis, and they are tremendously overworked.

Third. The work of the Civil Rights Division is steadily increasing, and, if the civil rights bill is enacted, as it surely will be, the burdens will be staggering. But confining its enforcement responsibilities as they stack up under existing law, the budget request this year was for 38 additional positions, of which half or 19 were provided for in the House bill, leaving 19 positions short of the original estimate. These 19 positions would require the additional sum of $167,000 to be added in the Senate to the item "Salaries and expenses, general legal activities."

Fourth. The Committee on Appropriations restored the sum of $84,000 to the item in question. However, at page 9 of the committee report, it is indicated that the $84,000 over and above the House allowance is intended to provide funding for about 10 additional positions in the Tax and Civil Divisions of the Department to assist with increased workloads in those Divisions. While this statement in the committee report, as a legal matter, does not technically bind the Department to use the funds for the purposes indicated, everyone knows that as a practical matter, these sums cannot be diverted to, say, the Civil Rights Division to help it meet its increasing burdens. Therefore, the Civil Rights Division is, at this time, still 19 positions short of the budget estimate.

Fifth. The 19 positions, at a cost of $167,000, is a modest request. Of these 19 positions, 11 are for clerical personnel. The remaining 8 would be for lawyers, 2 at GS-12, which has a salary of $9,475; 2 at GS-11, which has a salary of $8,045; and 4 at GS-9, which is $6,675. These legal positions, at the salaries indicated, are not exactly ones which would inevitably attract leading members of the bar. They are modest salaries, and for the work that is put in by lawyers in the Civil Rights Division, they are probably less than what in all fairness should be provided.

Therefore, Mr. President, I sent to the desk yesterday an amendment which would add to the amount recommended by the committee the sum of $167,000 for the additional 19 positions in the Civil Rights Division. My colleague from New York [Mr. JAVITS] is a cosponsor of that amendment. Therefore, unless the Justice Department feels it can perform its assigned tasks in this important field with fewer personnel than originally requested, it is my intention to call up the amendment when the Justice appropriations measure is reached for consideration this week.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there further morning business?

FURTHER INSTANCES OF IRRESPONSIBLE SPENDING BY PROCUREMENT OFFICERS IN DEFENSE DEPARTMENT

Mr. WILLIAMS of Delaware. Mr. President, once again I call attention to two Comptroller General reports, both of which deal with the same old story—unnecessary waste and irresponsible spending by the procurement officers in the Defense Department.

The first report, dated November 13, 1963—B-146732—discloses that over a 2½-year period the Government paid in leasing costs a total of $2,468,492 on two IBM 704 computer systems which could have been bought as new equipment for only $871,182.

The Comptroller General estimated that had these two machines been purchased outright the total maintenance costs over the entire period would have been $298,034.

Thus, had the Government bought these two IBM computers outright, instead of leasing them at these exhorbitant rates, they could have saved $1,299,276 in actual cash and owned two machines at the end of the period.

In the second report, dated November 29, 1963—B-146823—the Comptroller General calls our attention to an Air Force Department fixed-price incentive contract, AF 01(601)-31042, awarded to Grumman Aviation Engineering Corp.

This contract was for the modification of SA-16 aircraft, and Grumman was authorized by the Mobile Air Materiel Area to procure the needed equipment.

[38] Address by Daniel Webster at public dinner celebrating Washington's birthday in Washington, D.C., Feb. 22, 1832.

The Comptroller General stated that the prices obtained by Grumman, which totaled about $2,300,000, were about $872,000, or 61 percent, higher than prices that were currently being obtained by the Air Force and the Navy for like equipment.

In addition Grumman was awarded a profit of about $278,000 on its purchases of this equipment on which it was paying 61 percent more than normal prices.

Thus, the cost to the U.S. Government on this $2,300,000 contract was $1,150,000 more than was necessary, or nearly double what the cost should have been.

I quote one paragraph from the Comptroller General's report which outlines a specific example of these excessive overpayments under the Grumman Aviation contract:

In June 1960 the Navy purchased 51 AN/APS-88 radar sets at a unit price of $26,971. Three and one-half months later, during October 1960, the Navy purchased 57 additional sets at a unit price of $16,974 and, during October 1961, purchased additional sets at a slightly lower price. However, in September 1960 Grumman purchased nine sets at a unit price of $30,289 and in April 1961 purchased nine additional sets plus spare components at a unit price of $32,275 which was nearly double the most recent Navy price.

I repeat what I have said on numerous occasions heretofore; and that is, that the only manner in which the Defense Department will ever stop this indefensible waste is to fire the procurement officers who are responsible. Had this happened in private industry, they would have been gone long ago.

At this point I ask unanimous consent to have incorporated in the RECORD pages 8 and 9 of the Comptroller General's Report No. B-146732. This insertion gives a more detailed breakdown of the excessive expenditures under the leasing arrangements and the two IBM 704 computers.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

Data reduction computer system

Cost of leasing system (IBM 704 and supporting equipment):	
1961—rental plus overtime charges	$379,938
1962—rental plus overtime charges	406,502
1963—January through August—rental cost plus overtime	210,240
Leasing cost for 2 years, 8 months	996,680
Add interest on lease cost	23,605
Total leasing cost	1,020,285
Cost of IBM 704 system, new	1,229,370
Less reduction	860,559
Cost to purchase Dec. 31, 1960	368,811
Add:	
Maintenance, 31 months [1]	121,034
Interest on purchase cost	21,922
Interest on maintenance cost	2,784
Total cost to purchase	514,551
Excess cost incurred by leasing data reduction computer	505,734

[1] 1-month maintenance included in purchase price.

FLIGHT SIMULATION LABORATORY AT WHITE SANDS MISSILE RANGE

The IBM 704 system installed at the Flight Simulation Laboratory in October 1959 was also leased from IBM under GSA contract. The contract provided for a monthly rental rate of approximately $55,000 for primary shift utilization (8 hours per day, 5 days a week) plus an additional charge for extra shift utilization.

Although WSMR could have purchased this equipment from IBM at reduced prices which would have been advantageous to the Government, we could find no evidence that any consideration was given to procuring the needed equipment from IBM. Inasmuch as WSMR continued to lease this equipment from IBM, rather than to procure it, unnecessary costs of $794,000 were incurred from January 1961 through June 1963. This equipment was replaced by more modern equipment in July 1963.

The average monthly rental charge for the equipment which would have been more economical to purchase than to lease was $47,223. The summary of our computation of unnecessary costs incurred by leasing the 704 system is as follows:

Laboratory computer system

Cost of leasing system (IBM 704 and supporting equipment):	
1961—rental plus overtime charges	$618,427
1962—rental plus overtime charges	567,814
1963—January through June, rental plus overtime charges	230,468
Leasing cost for 2 years, 6 months	1,416,709
Add interest on lease cost	31,498
Total leasing cost	1,448,207
Cost of IBM 704 system, new	1,674,570
Less reduction	1,172,199
Cost to purchase Dec. 31, 1960	502,371
Add:	
Maintenance, 29 months [1]	121,248
Interest on purchase cost	28,432
Interest on maintenance cost	2,614
Total cost to purchase	654,665
Excess cost incurred by leasing laboratory computer	793,542

[1] 1-month maintenance in purchase price.

LONELY SOULS—THE PROBLEM OF THE NEGRO IN A WHITE COMMUNITY

Mr. SMATHERS. Mr. President, in the Miami Daily News of December 9 there appeared a particularly poignant and persuasive article by one of the South's great writers and editors, Bill Baggs, entitled "Lonely Souls."

It is a touching description of the problem of the Negro and his feelings as he endeavors to live in what is predominantly a white man's community.

It is not too often on this particular subject that I find myself in agreement with Mr. Baggs, but in this instance I could not help but agree and be moved by some of the things he had to say, particularly with respect to the indefensibility of intolerance, bigotry, ignorance, and discrimination.

However, the thrust of the article was that the matter is one of the soul and that all souls are alike, irrespective of the color of the skin. Bill Baggs then went on to say, in quoting one of Florida's former Governors:

The soul of man is beyond the reach of a court order. A court by its orders can end racial discrimination, but it cannot end racial prejudice. That is, human conduct can be influenced by laws, but not the soul. And when you get through all the noise, and all the arguments which have swirled up in the civil rights debate, you are talking about souls.

This is the approach, Mr. President, that I have been seeking to take and the reason why I have repeatedly said I do not think we need any additional laws in order to move forward in the solution to this problem which has plagued us for over 100 years.

I have stated in the past, and still firmly believe, that the core of the issue is one of the heart, the mind, and as Mr. Baggs has said "the soul," and that all of us would be better off and the problem would come nearer to being met if we candidly and frankly examined into our own souls, remembering that in God's eyes we are all God's children with no color difference in the souls of any of us.

I ask unanimous consent to have this article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONELY SOULS

(By Bill Baggs)

He is a Negro, born in Florida, a minister whose work beyond the church door has been a hard mixture of preaching to the black man that he must learn more to become a good citizen and preaching to the white man that our democracy shall not be complete until the Negro gets his civil rights.

In all the noise and fury, the simple reason for the Negro to petition for his rights has been shrouded.

A question was put to the minister. What does the Negro in America want?

"He wishes to become a part of America," said the minister.

This is a fact not understood by many men with white skins in our country. Since Colonial days in America, the Negro has been separate from the other people in the society. An almost historic loneliness dwells inside the Negro who thinks of this fact.

THE WALL STANDS

It is a painful loneliness for the Negro who has learned the wisdom of what Booker T. Washington wrote: "No race can prosper till it learns that there is as much dignity in tilling a field as in writing a poem."

Every race has its lazy ones, and surely the Negro race has its share, but the educated Negro suffers horribly. He has learned the dignity in the field and the dignity of a poem, and yet the wall stands there, separating him from the rest of America.

This is true in Birmingham and it is true in Philadelphia. It is true across the Republic.

NORMAL SOMEBODY

"I wish to become a normal somebody," a Negro leader said.

He did not wish to have any edge in society, any special rights, any privileges.

"What I wish is to walk a street and not be looked at, or enter a store and buy what I can afford without a feeling of discomfort, or have the children of my race go to the nearest school."

This is what the man meant in saying he wished to become "a normal somebody."

As Governor Collins remarked in a fine speech last week, the soul of man is beyond the reach of a court order. A court by its orders can end racial discrimination, but it cannot end racial prejudice. That is, human conduct can be influenced by laws, but not the soul.

And when you get through all the noise, and all the arguments which have swirled up in the civil rights debate, you are talking about souls.

SOUL OF MAN

It is strange that in our modern society, with a treasury of knowledge not before known in history, we are embarrassed to talk aloud about souls. It nearly appears that a person might fear other people think him a nut if he discusses the soul of man.

And yet, it is the soul which is at the bottom of all this struggle. The lonely soul of the Negro in America, and the souls which too many white Americans have not examined. Their own souls.

EDITORIAL TRIBUTES TO THE LATE PRESIDENT KENNEDY

Mr. RIBICOFF. Mr. President, the State of Connecticut knew President John Fitzgerald Kennedy well. I ask unanimous consent to include in the RECORD various editorials from Connecticut newspapers which pay tribute to our late President. These editorials truly reflect the love and respect all the people of Connecticut had for President Kennedy.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Hartford (Conn.) Times, Nov. 23, 1963]

JOHN F. KENNEDY

The young President of the United States, John Fitzgerald Kennedy, was murdered from ambush by a hate-tortured misanthrope.

The backwash of this crime is sobering the American people who, in recent years, have been more and more expressing their anxieties and fears about public policy in reckless, even sick, political behavior.

The prime suspect appears to be a confused and paranoiac promoter of Fair Play for Cuba. This organization has been known to attract persons of far-left affiliations and was, at one time, partially financed from Cuba proper. The suspected assassin was reportedly active in the Cuban sympathy movement after having been denied Russian citizenship.

But this aberration had been preceded by others, suggesting a dangerous and pathetic instability of mind and emotion. That a President of the United States should die at such hands deepens our humiliation and heightens our grief.

Between the extremists of the right and of the left in this country the late President tried nobly to illuminate and to explain the realities of modern problems; to hold the majority on a course of reason; to isolate and to shame those who would employ spittle, and sickening slogans, and riotous conduct as political weapons.

Mr. Kennedy's inaugural proclamation that we must never negotiate from fear but also never fear to negotiate was turned against him by jingoes who still believe that they can blow down the Communist monolith with hot air.

His steely and deadly earnest response to the Soviet missile buildup in Cuba and his contempt for the perfidious Castro enraged the self-exiled minority in American society who cling to the deception that Castro's revolution was genuine, wholesome, and necessary.

The President's eloquent appeal for practical brotherhood as a first fundamental in civil rights and equal justice before the law won him the contempt of Dixie.

The humiliation at the Bay of Pigs. The detestable wall across Europe. The throbbing carbuncle of Cuba. The indissoluble power of the ruling class and moneyed interests of Latin America. The worsening domestic economic future charted for the United States. These challenges were faced by the late Mr. Kennedy with patience, with reason, with firmness and with programs.

But he was finding himself more and more whipsawed between extremes. He was hobbled by equivocation and indecision in Congress and within large areas of public opinion. And he was being abandoned by faithless colleagues who started drifting from the President's side to save their own hides.

It is only now, when this young man is lifeless and mourned, that some shocked Americans will cool down and listen to what he had to say.

Now the vicious gossip about the Kennedy dynasty will not evoke such cruel laughter.

Now the hope and the commonsense, the humor and the idealism, the courage and the insights of what Senator RUSSELL called this brilliant and dedicated young statesman will get the hearing, posthumously, that they have always deserved.

Mr. Kennedy's first 3 years in the White House were interpreted as disappointing by some of his friends. He was damned for moving too slowly in civil rights. Then when he moved, after the violence at Oxford and Birmingham, he was cursed for precipitating tensions with no plans for allaying them.

The President was on the right side in the great debate over the moral challenge inherent in the race crisis—and no man of conscience, of ethical awareness, of scientific reasoning or religious conviction could deny it.

But the rightness of his cause became lost in the fierce and cynical maneuvers of special and regional interests; in the muck of political contention; in the howling tribalism of party factions—stirred to a kind of semantic madness by the narcotic of unreasoning dissent.

Well, John F. Kennedy did not live beyond the age of 46. He was not allowed the grace of even one full term in the office he had won, and which he had enriched and enlivened with great intellectual and cultural attentiveness.

Although personally popular for his masculine charm and the exciting glow cast by his beautiful wife and their utterly normal family, John Kennedy was denied the full attention and the respect that his ideas, his modern idealism, and his vastly researched plans warranted. Too many people were searching for too easy answers—and they still are.

Perhaps as we review the tragically shortened career of this young man, we can think more objectively about the real content and portent of the issues upon which he discoursed so solemnly and, at times, so futilely. That would seem to be the least measure of gratitude and devotion that we can pay to John Fitzgerlald Kennedy, the 35th President of the United States, whose life was yielded to a fanatic's gun in Dallas, Tex., November 22, 1963.

ROBERT W. LUCAS.

[From the Hartford (Conn.) Courant, Nov. 23, 1963]

DEATH OF A PRESIDENT

Not since the assassination of Abraham Lincoln has the lightning of fate struck down a President with such swift unexpectedness as yesterday in the streets of Dallas. This senseless murder leaves one awed and numb. Here is a change in the leadership of the country that no one expected and that no one can have wanted—surely not even that twisted, malignant spirit in human form that caused it.

What does this portend? What effect will this tragedy have on that surging tide of racial change whose sweep will still, inevitably, make real for America's Negroes as well as whites that historic affirmation that all men are created equal? What effect will this blow have an legislation? What on the presidential election that is less than a year away? Still more, what new directions will it give to that titanic struggle that dominates the last half of our century—the cold war?

The answers to these questions, and many more like them, are unknown. At the moment one comes back only to the blow itself. There looms the human drama. At one moment President Kennedy was enjoying the accustomed, carefree routine of being a visitor among some part of the American people. And those people, no matter what their party, always find their hearts quickening at the sight of the President. In the next instant the hand of death struck, from nowhere. Half an hour later the youngest man ever to be elected President of the United States lay dead. Almost surely he had ahead of him 5 more years in office, and that full place in history, reserved for those who are two-time Presidents. We remember the confident young man of the inaugural, on that frosty day less than 3 years ago delivering to a listening, watching Nation, what may well be that one of his speeches to live in history. There followed the familiar course of partisan political battles—a tripartite battle it was, what with the backward tug of the southern wing of Mr. Kennedy's own party.

Now all that has fallen away, and there is only awe and stillness.

There remains the bereaved family—two young, fatherless children. Even both of the President's parents remain to mourn. And there was the President's wife, one moment gay with life, the next sheltering the bleeding head of her husband in her arms.

For a moment the turbulent stream of history is stilled. This event calls to mind our earlier President Johnson, Andrew, who likewise came in office by the accident of a madman's bullet. We think of the new President, Lyndon Johnson, suddenly confronted with uncounted responsibilities. He is an older man than his predecessor, and he has known illness. But then President Eisenhower, too, has had a heart attack, and he lives.

Such an event as this highlights the almost casual way we choose our Vice Presidents. Yet this country has lived through such swift, sharp turns in its course before in the century and three-quarters of the Constitution. Today the future is a question mark. All we can do is say, after the fashion of the peoples of old when death brought them the uncertainty of a new ruler: Long live the king.

There are two schools of thought as to what shapes history. One holds that men make events, the other the reverse. This last view was written by Tolstoi in his "War and Peace." The tide in human affairs is what shapes the future, he argues, and it inevitably calls up leaders who ride its crest. Probably the truth lies halfway between this view and the other, that great men bend our course to their will. We can be sure that the next half decade, at least, will be different from what it would have been if yesterday's blow had not struck. Yet there are clearly also great historical forces at work, in this country and in the world. They are forces that will not be denied, no matter who is in office.

This is a time for all of us to open our hearts and our minds, to be generous to the new President, as he faces the darkness

ahead. We are a people who do not seem to feel ourselves called to greatness. We are given to seizing the main chance, to letting George do it, to not wanting to be involved. Perhaps now we shall be shocked into a more sober awareness of our duties as citizens. Faced with this tragedy, let us for the moment at least push hate and fear aside. Let us mourn him who has left us. Let us uphold him who succeeds him. Indeed, let us make a quiet resolve to do our part to see that, in those familiar words whose centenary we have just observed, this Nation shall have a new birth of freedom. And, we might add, of courage, and devotion, and strength.

[From the New Haven (Conn.) Register, Nov. 25, 1963]

A NATION MOURNS ITS SLAIN PRESIDENT

John Fitzgerald Kennedy, 35th President of the United States, is dead, killed by an assassin's bullet in Texas. The entire free world, of which he was the leader, mourns a man whose sincerity, convictions, integrity, and courage were never challenged.

The assassin struck at more than the President. He aimed his fatal bullets at every American. President Kennedy was shot because he represented you and me. He was our President. Because he was, he died. He was not slain because he was John Fitzgerald Kennedy, the individual. He was murdered because he was our President, our personal representative in national and world affairs. It is because of this that the tragedy strikes into every home and heart in the United States and outside the Nation where freedom burns.

It is ironic that Mr. Kennedy should survive enemy attacks as commander of PT-109 in World War II only to be slain by a madman in his own land.

Mr. Kennedy died as he lived—dramatically. Fate, so kind to him for 46 years, suddenly turned cruel. He did not seek to be dramatic, the role was destined for him. He filled the role nobly with distinction to himself, his family, his Nation, and his God.

Mr. Kennedy's brief but active career was one of public service. Had he so elected he could have followed a life of complete leisure. But he loved his Nation and his fellow man. He served them in the House of Representatives, the Senate, and the Presidency, the greatest honor any nation can confer upon one of its citizens.

In a world that is mad, it must be expected that some of its madness will rub off upon others. It was such an individual whose bullet snuffed out the life of a truly great man and added his name to those of Abraham Lincoln, James A. Garfield, and William McKinley as assassinated Presidents.

When a man of the stature and character of President Kennedy suddenly leaves this world he loved, there is little that can be said. Mr. Kennedy wrote his own epitaph in life.

When another chapter is written in "Profiles in Courage," it will be about John Fitzgerald Kennedy, public servant, statesman, war hero, and father.

[From the New Haven (Conn.) Journal-Courier, Nov. 25, 1963]

A MARTYRED PRESIDENT

A Nation placidly going about its noontide affairs until the dark hour of last Friday's assassination of President John F. Kennedy, attends upon his funeral today following a weekend of shocked bereavement.

A week in which Americans normally would be approaching the mixed solemnity and festivities of Thanksgiving Day has been blighted by a murder, a monstrous crime which touches upon the lives, the homes, and families of all. The prayers for the dead and for a beloved President are on millions of lips and welling from millions of hearts this morning.

John Fitzgerald Kennedy in the 46 years of his American boyhood, youth, and manhood was one of those marked by destiny for a role in history, not alone of his own United States but in the annals of the free world and of free men. His fellow Americans, the great and the humble everywhere, find it incredible that the assassin bullet from a sniper's gun would close so abruptly, so dreadfully, the final chapter of this too brief biography—would make of him the fourth of our martyred Presidents.

In an eventful and dramatic life of public prominence and service John Fitzgerald Kennedy has been no stranger to the plaudits of the crowds, the accolades accorded our national heroes, the distinctions designating the famous. In death, he has received the most honest, the most sincere, and the most heartfelt of tributes, an outpouring of a Nation's love and affection, esteem, and recognition. The eulogies of personal friends and admirers, of political supporters and political adversaries, have been one in their mutual expression.

Today the martyred President lies in a flag-draped casket in the Nation's Capitol. The burdens and responsibilities of his office have been thrust upon a new and sorrowing President. Governor Dempsey has proclaimed this a day of mourning in Connecticut.

The sympathies of our people, individually, and collectively, for the family of the slain president, for Mrs. Kennedy, his young daughter and son, his parents, and all who survive him, are echoed in this proclamation. Let this day be observed in our State as the Governor requests us.

[From the Bridgeport (Conn.) Post, Nov. 23, 1963]

THE NATION'S TRAGEDY

Tragedy stalked nakedly in Texas yesterday when an assassin's bullet took the life of President Kennedy, as he pressed his previously triumphant speaking tour in the Lone Star State.

But this grim tragedy concerned not only its noted victim, and the Governor of Texas who was wounded by the same rifle burst, but extended to ever-widening circles throughout this country and the free world—yes, even to Communist nations.

The tragic event also placed an overwhelming burden upon Lyndon B. Johnson, who yesterday took the oath as President, as domestic and world problems have moved toward crossroads in which vital policies must be developed and decisive actions taken.

The current issues are too well known to be enumerated here, but some of them are taxes, medicare, Cuba, Vietnam, Cambodia, Berlin, and myriad others. The new President, even though he may have been in close confidence with the martyred President, and is familiar with pending situations, must shoulder the task ahead and maintain the fine balance that has kept us, thus far, out of direct conflict on the international front and out of recessionary trends at home.

Thus the sudden and ghastly death of President Kennedy cast a pall over the world. In world chancelleries lights burned fitfully. In the churches, prayers were offered for the assassinated Chief Executive, and in the hearts of his countrymen, regardless of politics, there was sorrow.

This sorrow was not only for the untimely passing of a young and vigorous President. It contained also a somber feeling of worry over what portends despite the normal American optimism that everything will work out satisfactorily.

In his inaugural address President Kennedy enunciated a major precept of patriotism.

"Ask not what your country can do for you, ask what you can do for your country."

A few days ago former President Eisenhower added this sentence to that precept:

"To live for your country is a duty as demanding as is the readiness to die for it."

On both counts, President Kennedy has set the example. None can gainsay that he lived and performed his duties faithfully as he saw them, and at the end, he gave his life.

[From the Bridgeport (Conn.) Telegram, Nov. 23, 1963]

MARTYRED PRESIDENT

A tragedy beyond words struck our Nation yesterday when President John F. Kennedy was assassinated. Beyond words, indeed, for there are no words to describe the unconscionable deed, or the overwhelming grief of millions of Americans.

The facts are so stark, and so wretched, they strike all of us in a shocking manner, deeper and more poignant than any other type of sorrow. The President of the United States, young, vigorous, intelligent, personable—assassinated by the hand of a wanton, pitiless, secret foe.

This awful death, which links the President to the ranks of our martyred dead, is a profound personal and woeful loss to all of us.

Yesterday, millions of Americans differed, which is their political right, in the nature of our democratic government. And moments after President Kennedy had concluded a powerful political address and began a motorcade procession in Dallas, he slumped, virtually in the arms of his young wife, a maniac's victim.

A hush spread from Dallas over the Nation as the tragic message reached city and hamlet and tears welled spontaneously. There were then no differences of political opinion, no Democrats, no Republicans. All Americans were awed by that mysterious sense of loss that comes with death, but more especially such a cruel death.

To Mrs. Kennedy, on her first trip with the President after her own personal suffering, and to their lovely, now fatherless children—our hearts go out—we can say no more.

[From the Bridgeport (Conn.) Sunday Herald, Nov. 24, 1963]

A GREAT MAN DIES AND YET LIVES ON

"For all flesh is as grass, and all the glory of man as the flower of grass. The grass withereth and the flower thereof falleth away."

Thus does the scripture on which John Kennedy's church and faith were founded counsel us regarding the fleetingly transient character of human life, and warn us that even in the fullest flower of mind and body—even in the prime of life—the grass and the flower may die with cruel abruptness.

But the same scripture and the same church that warn of fear and pestilence, agony and death, teach also that life is eternal. The seed lives on; the seed of John Kennedy's greatness was his immortal soul.

And the flower lives on in our mind's eye. The flower that is noble and beautiful may perish as does the flesh, but its image lives on from generation unto generation, as long as men have memories of the great and the good.

The flower lives on as the remembrance of a President with courage to face a revolution whose proportions were as cataclysmic in their way as the other great revolutionary chapters in American history were in theirs.

Nor was it just courage, but a determination to vouchsafe equality and opportunity to the Negro as no President other than Lincoln had done before.

The flower of a great life lives on, too, in other images of courage which men will identify with John Kennedy as long as history is read—the courage to stand up firmly to an aggressive totalitarian power when doing so could have meant imminent nuclear annihilation.

And the courage, too, to stand up to corporate intransignence when its demands for greater profits could have had catastrophic effects on the economy.

His courage we shall remember, and his nobility of character, and the strength of his patience with men and circumstances that often made the Presidency a painful ordeal.

And the flower of a great life lives on in the image of a man of great compassion. Never has any administration, indeed, any head of any government anywhere, exerted so much leadership in behalf of the physically and mentally and culturally disadvantaged.

More than any President, John Kennedy viewed as one of the key roles of Government that of an agent of a humanitarian society lending its encouragement and support to those unable to fend for themselves.

Those who were dearest to President Kennedy have from childhood been steeped in an unshakable faith that the souls of the good live on eternally. And Americans of every faith who know of John Kennedy's works know that the flower of this noble spirit cannot really die, for its roots are grounded in enduring greatness.

[From the Waterbury (Conn.) Republican, Nov. 23, 1963]

JOHN F. KENNEDY

"Eternal rest grant unto him * * * and let perpetual light shine upon him."

The shock and horror at the death by assassination of John Fitzgerald Kennedy, 36th President of the United States of America, confounds this Nation and the world of nations.

His death has struck profound tragedy in the soul of America. Stunned as must be every feeling human, sympathy flows to the members of the Kennedy family in their most excruciating hour.

Yesterday's cruel history has enervated Americans and made awful pause in the lives of citizens bereaved of their President. The Nation mourns and wonders, and mixed with sorrow is the pulse of outrage at so despicable an act, a deed all the more chilling because of the pathos of its context. No one can visualize Mrs. Kennedy cradling her husband's head and not feel emotion physically.

As of this writing the man who committed the murder of John F. Kennedy is not positively identified, but he will be the object of this Nation's wrath as he has been the agent of its terrible loss.

Lyndon Baines Johnson, because of the murder in his native Texas, which could have claimed his life too, has been sworn in as the new President of the United States in solemnity and grief, and to him devolve the awesome duties of Chief Executive in an hour of personal and national distress.

What can and will be said and written about John F. Kennedy the man and John F. Kennedy the President will be here left to less trying hours. His death has jolted the fabric of all contemporary affairs and few things in our national and international life will be unaffected.

At this hour, while our country absorbs the shock and the body of President Kennedy lies in state, grief holds dominion. The President held a special place in the hearts of the people of Waterbury, a place now darkened by his death. He promised, at his second electrifying appearance on the green just over a year ago, that he would come back to Waterbury at 3 o'clock in the morning—to speak to the people of a city he had identified with his presidential victory and whose enthusiasm had evidently touched him. The crowd roared and there was no doubt in any observer's mind that Waterbury would have been there again in November 1964, if it had to brave a firestorm.

Perhaps, a year from now, there will be somebody on the green in symbolic waiting.

John F. Kennedy is dead. Let us mourn.

[From the Waterbury (Conn.) American, Nov. 23, 1963]

JOHN F. KENNEDY

Why?

Persistently, hour after hour, this question pushes itself to the forefront.

Why?

The shocking news of the assassination of the 35th President of the United States, John Fitzgerald Kennedy, is almost unbelievable. The rational mind tries futilely to tell itself that this has not really happened—not in the year 1963 in a nation which considers itself civilized and a leader in the fight for human freedom.

Yet the facts are there—cold and harsh and inescapable.

John Fitzgerald Kennedy, aged 46, a citizen, a veteran, and a statesman is dead.

The youngest man ever to be elected to the Presidency of the United States, the first President to profess the Roman Catholic faith, a man of courage, conviction, and ideals; a man with a warm smile, a strong handclasp, and an overwhelming personality has suddenly been taken from us by the act of a maniac—and the whole world shudders.

Why?

We wish we knew.

But, failing to understand, we must necessarily turn to what lies ahead. Presently we are confronted with tragedy and sorrow and grief—and they will be with us for many months to come.

Even as we individually experience a sense of physical illness—an experience multiplied millions of times over in homes all across the Nation—we must be aware that John F. Kennedy was such a man as to point a friendly finger toward his countrymen and say, in effect:

"Keep punching."

The causes for which he fought and pleaded are still with us. They will not disappear because he has passed, nor will they be relegated to oblivion because his hand has lost its strength.

Ideas and ideals live on long after the men who conceive and support them leave these mortal shores. Even out of the present tragedy there is hope extant—and John F. Kennedy was nothing if not a man of hope for the future, for the improvement of the lot of his fellows, for peace and brotherhood among men.

We must mourn his passing—but we must not let our sorrow obscure the fact that he was a man of faith, a man who did not believe that he had all the answers, but only that he had an opportunity to lead in what he conceived to be the right direction; to set a course which others could follow, leading toward a better and brighter world.

We are stricken—but we would be letting him down if we failed to pursue the objectives which he so fervently and conscientiously sought.

We grieve for his family and his close friends—yet all the while knowing that they must hold close to their hearts a special share of the gratitude of a nation for his stalwart and courageous leadership in times that tried men's souls.

[From the Ansonia (Conn.) Evening Sentinel, Nov. 23, 1963]

JOHN FITZGERALD KENNEDY

When the fact of the President's death had penetrated the shock most of us experienced yesterday, there followed a sickening feeling as we contemplated the human depravity that could coldly undertake so cowardly a deed.

The dreadful news that an assassin's bullet had slain John Fitzgerald Kennedy, 35th President of the United States, in his 46th year, stunned his fellow citizens and the civilized world almost to disbelief. The lethal attack from a cowardly ambush struck down a leader whose approach to the difficulties that beset our times often invited controversy, yet his high courage, sharp intelligence, dedicated devotion to the good of his country as he saw it, and decent family life earned almost universal respect from his fellow Americans.

The President's triumphal cavalcade had moved through Dallas streets lined with tens of thousands cheering him and his good and loyal wife. Moments later he was dying in her arms. The sympathy of Americans goes out to Mrs. Kennedy in her sudden sorrow that is almost beyond comprehension.

Those who saw what was happening in that Dallas street could hardly believe their eyes. None was more stunned than Vice President Lyndon B. Johnson, the native Texan, who had sought the Presidency in vain in 1960 and was now to have it thrust upon him through a national tragedy. As he undertook the onerous obligations of the Presidency, the Nation's new Chief Executive spoke with sadness and humility. The country he said, had suffered a sad loss and he a personal one. The world shares the loss, he said, with Mrs. Kennedy.

"I will do my best—that is all I can do. I ask your help and God's," the new President said.

The youth, vigor, and buoyancy of President Kennedy had commanded wide admiration. His self-possession in the face of crisis had rallied the Nation in the eyeball confrontation over the Cuban missiles. He had given far more than lipservice to the principle that American liberties are the right of all Americans regardless of race.

President Kennedy was the first of Roman Catholic faith to be elected to the Presidency. Only 2 weeks ago he had been recognized by a representative body of the Protestant churches of the country with an award that testified to their sincere respect for him.

The news of his assassination was received around the world with deep sense of shock. No one ever knows the full extent to which a bullet directed by malice may alter history.

As the world mourns John F. Kennedy's tragic death, and recommends him to God in its prayers, men of good will everywhere will also pray earnestly that his successor, President Johnson, may find strength, courage and divine help to guide our ship of destiny on tomorrow's troubled seas.

[From the Bristol (Conn.) Press, Nov. 23, 1963]

THE NATION MOURNS

John Fitzgerald Kennedy, 46, the 35th President of the United States is dead.

A saddened nation is still in a state of shock at the tragedy in Dallas which shook the entire civilized world. The bullet of a psychopathic sniper sped from an upper floor of a warehouse overlooking the presidential motorcade, and in a fraction of time dealt the lethal blow which snuffed out the life of the Chief Executive of the greatest free nation on the face of the earth.

Two hours earlier at his home in Uvalde, Tex., former Vice President John Nance Garner, giving a press interview on the occasion of his 95th birthday, had said that he believed that John Kennedy would prove to be one of the greatest Presidents this Nation ever had.

Truly, in the midst of life we all face death.

Disbelief, shock, grief and anger that such a terrible thing could happen in this land of ours were the sensations which swept the Nation in that order.

Although the predominant feelings of the people are of grief at the loss of a popular President and sympathy for the bereaved family, it would most certainly be the fer-

vent wish of the late President that the Nation's business is paramount and must be carried on regardless.

President Lyndon B. Johnson is deserving of the consideration and support of the entire Nation as he undertakes the tremendous burden which we place on our highest government official.

Yet time is not so fleeting that we cannot take a moment to cherish the memory of a vigorous leader, a great humanitarian, a Christian gentleman who loved his fellow man and was dedicated to promoting the best interests of the Nation which he served so well for far too short a time.

For John Fitzgerald Kennedy was all of these.

A courageous young chief of state has died in the service of his country.

May he rest in peace.

[From the Danbury (Conn.) News-Times, Nov. 23, 1963]

THE WORLD MOURNS

Many an American awakened this morning with a vague hope that this had all been a bad dream, that the tragic events of Friday, November 22, 1963, had not really taken place.

But the disbelief so evident yesterday with the first reports that President John F. Kennedy had been shot in Dallas had long given way to worldwide sorrow and to horror at a monstrous deed.

Sorrow with and sympathy for Mrs. Jacqueline Kennedy and her two young children, now fatherless for their third and sixth birthdays next week. And for the grieving parents and other members of the closely knit Kennedy family. Indeed, sorrow for the Nation itself.

And horror at the infamous act which snuffed out the life of a young, vigorous and popular President in the prime of his life.

This was the fourth assassination of an American President in a little more than 98 years. As a world tragedy it ranks with the national tragedy of the first assassination, that of Abraham Lincoln.

It is ironic that John Fitzgerald Kennedy, who had worked so hard, and with such perseverance, to avert world violence, which could culminate only in nuclear war, was himself the victim of violence.

Yet, as we look back over events of the past few years, this in a way is not surprising. In far too many instances, in this country and in this hemisphere, extremists of the right and of the left have found persuasion unavailing and have turned to violent means.

The attack on Ambassador Stevenson, also in Dallas, was one recent instance. Bombings and shootings elsewhere—most noteworthy the murder of four Sunday school tots in a Negro church in Birmingham—was another.

The national horror at the assassination of President Kennedy should have the salutary effect of turning all from the path of violence and toward the path of peace which he unfailingly pursued.

Genuine sorrow surged through the nation yesterday and continued to swell today. Here, as elsewhere, people felt as if they had lost a member of their own family. Events were canceled, bells tolled and prayers offered.

President Kennedy will be remembered for many things—for his heroism as a PT boat commander in World War II, for his intellectual and literary qualities, for his service in the Senate, for his political "savvy" and tireless campaigning.

He will be best remembered, of course, for his nearly 3 years as President, his championing of liberty, his advocacy of human rights, his constant striving for world peace and national prosperity.

John Fitzgerald Kennedy, 35th President of the United States, died Friday in the line of duty. The world mourns a great leader, the country a truly great American and New England one who was outstanding among its many famous sons.

[From the Greenwich (Conn.) Time, Nov. 25, 1963]

A NATION MOURNS

The United States has passed through the saddest, most grief-stricken weekend in its entire history. The 35th President of the United States, John Fitzgerald Kennedy, was buried this afternoon in Arlington National Cemetery.

John F. Kennedy died on Friday afternoon in Dallas, Tex., a half hour after a sniper's bullet hit him as he rode alongside his wife in a happy motorcade. As the news quickly spread throughout the Nation, Americans were stunned. Heads shook in disbelief. It was difficult to understand. How could such a thing happen in the United States?

A deep, dark sorrow and despair descended on the land. The loss of the President is a personal thing to each and every American. The relationship of a President and his countrymen cuts across all lines of parties and creeds. The assassin's bullet brought a personal, heartfelt grief.

Words cannot describe the national horror. John F. Kennedy, who was dedicated to and worked so hard for peace, for the avoidance of world violence, for tolerance, became the victim of hate and violence.

John Fitzgerald Kennedy typified the emergence of the world into a new era, the space age. Young, fiery, courageous, determined, and able, he was a man who persevered in standing for what he thought was right. His youthful exuberance coupled with high intelligence and with deep devotion to his country, caught the fancy and imagination of America and the world.

We will never know the dimensions of greatness that John F. Kennedy might have reached in the coming years. The effects of his loss on the Nation and the world in the immediate future cannot be assessed at this time.

His comparatively brief career was one of public service—in the House of Representatives, the U.S. Senate, and the Presidency. He easily could have chosen a life of leisure instead. But as his career and stature grew, his dedication centered on human rights and the equality of men.

[From the Manchester (Conn.) Evening Herald, Nov. 23, 1963]

JOHN F. KENNEDY

The youth of him and the gallantry of him are tied in together.

They made a beautiful human combination to be ruined by one mad bullet plowing its way through his bone and flesh.

He was young, and he was gallant, and he was full of a dry sophisticated human.

Perhaps the humor helped make him seem the most intelligent President of our times.

He could usually see himself, and one who sees himself can see others well, including his opponents.

There was a time when some of us were a little frightened of his youth. We thought that, when he actually got into the cold war battle he had talked about so much, he was at first nervous and uncertain. But when we saw him settle down, and blood himself, until he got to be able to fight with magnanimity and tolerance toward his enemy as well as considerable mastery.

But even when that judgment he was always talking about may have been a little uncertain, he never lacked for courage. He had the best kind—the courage to be gentle, the courage to go calmly against an hysterical general trend of surface nonsense, the courage to take the full and single responsibility for a mistake which may have been created by many.

He had the courage always to be himself.

He had the supreme courage to make himself the leader in the direct and necessary assault on one of the great barriers unworthily surviving in this democracy of ours.

When he had dared to fight that battle, and had won, the main domestic effort of his administration pressed on toward a second great battle of the same nature.

These domestic battles, the other great battle being fought in the whole world, were such as to breed extremist emotions in the minds of men, or to enlist the partisanship of sick men in search of extremist emotions.

Yesterday some of this irrational ugliness took the shape and concentrated power of a bullet.

When a culprit is found guilty, there will also be some guilt for the climate which produced and inspired him.

Let us try to cleanse ourselves, not merely by condemnation and punishment, but by trying to make some of our own living a tribute to the memory of this clean, gallant, literate, humor-gifted, excellence-dedicated young leader.

All the qualities in John F. Kennedy seemed to add up to one final denominator.

He was a civilized man, who fought against barbarism at home and abroad.

This was in his character as well as in his action. His hope for and belief in the possibility of a world in which men treated each other as civilized human beings was the dominant theme of his living.

The degree to which our living still falls short of that civilized state became the mark of his dying.

The horror of the sacrifice to which he headed, combined with the nobility with which he followed his path of duty and principle toward whatever the danger might be, made the imperfect torch of civilization flame higher as he passed it on.

[From the Meriden (Conn.) Journal, Nov. 23, 1963]

THE ASSASSINATION OF A PRESIDENT

John F. Kennedy, President of the United States, has been cut off in his prime by the bullet of a vile assassin.

The whole Nation sorrows today for the loss of this vital young leader who, like other martyred Presidents, has given his life for his country.

The office of President is one of great risk. The man who fills it is always in danger. Security precautions, as it has been demonstrated again and again, are never an absolute safeguard. A high-powered rifle, with telescopic sights, in the hands of a sharpshooter with the will and the desire to kill, can penetrate the screen of safeguards set up by the Secret Service.

When Franklin D. Roosevelt, Mrs. Roosevelt and Senator Maloney, with Gov. Wilbur Cross drove into Crown Street Square in an open car, all of the surrounding buildings were searched for their protection. Again when President Harry S. Truman spoke from a platform in front of the Record-Journal building, the President's guards surveyed every spot from which a rifle might have been trained upon him. Yet those who occupied the platform remarked that it would have been easy for an assassin, mingling with the crowd, to have plunged a knife into his back or to have shot him at close range. A President takes such risks everywhere he goes. He lives in constant danger, and knows it. If he thought of his own safety at all times, he would be a craven unfitted to be the Chief Executive of a great nation. President Kennedy, a World War II hero, was a brave man—as brave as any President we have ever known.

All Americans, regardless of their political affiliations, have a deep sense of personal

loss in this tragedy. They mourn for a great man who stood by his beliefs and proclaimed them to the world. They mourn that he can never achieve the goals for which he had fought. They sympathize with his bereaved wife, his fatherless children, his parents, his brothers and sisters, the whole closely united Kennedy family.

Now comes the turning of the page, the beginning of a new chapter. Lyndon B. Johnson has been sworn in as the President of the United States. It is a matter of record that the new President aspired to the office which he now occupies when he contested with John F. Kennedy for the Democratic Presidential nomination. It is a matter of record that, despite the keen competition between these able men, prior to and at the convention, it was Kennedy who chose Johnson as his running mate. Whatever their differences had been, the pair achieved close harmony in their relationship as President and Vice President.

The Nation should close ranks behind President Johnson at this critical moment of history. He is a man of proven ability and long experience in government. We feel sure that he will acquit himself well in the position which has been thrust upon him.

[From the Meriden (Conn.) Morning Record, Nov. 23, 1963]

THE NATION MOURNS

We in the United States of America are completely stunned. So catastrophic is the assassination of the President that we are unable as yet to assess the measure of our loss. The suddenness of it all is appalling.

Nearly a century ago Lincoln was assassinated as he sat in the theater. The next morning he was dead. Some years later President Garfield was shot soon after taking office. He lingered for some months but died as a result of the attack. Just after the turn of the century, President McKinley fell at the hands of an assassin. Again there was a gap between the crime itself and resultant death—time in which to condition a country's reflexes to the tragedy. This unhappy Friday noon the end came almost at once with dreadful finality.

How tragic is such a death. How wasteful of the youth, vigor, talent, experience, and capability for growth in leadership of this man who has served us diligently and faithfully for nearly 3 years in the highest office of the land.

Few of us either in his own party or of the opposition have agreed with John Kennedy on every one of his policies and activities as Chief Executive. Americans are independent thinkers. There seldom is unanimity and there hasn't been during this administration. But, as our President, Mr. Kennedy has had our full allegiance. He won our admiration as a hard worker, quick thinker, and courageous official. We quickened with pride in him for the speediness of his rise as a world figure. We have loved his image as an adored and adoring parent, as a husband justifiably proud of his lovely and talented wife, as a man of personal charm and brilliant intellect.

The loss cannot be measured. Our hearts ache for Mrs. Kennedy who has graced the White House these past 2 years and 10 months. We grieve for the two young Kennedys who had to share their daddy with the public and who will have only childish memories of his glowing figure to carry with them through the years. Our sympathy goes to President Kennedy's parents and to his devoted brothers and sisters. Everybody shares in their bereavement. And we are sorry for our United States that is meeting a national tragedy of great proportions, as we pay our last respects to a man whose life has been snuffed out by a dastardly deed.

[From the Middletown (Conn.) Press, Nov. 23, 1963]

JOHN KENNEDY

John Fitzgerald Kennedy, the 35th President of the United States, is dead of an assassin's bullet. He died with the quest of reason in his mind, with the vision of peace in his eyes, and with the hope of a more perfect union for all Americans in his heart.

All this he sought for us with gallantry and grace, with charm and wit, with energy and purpose, and with the unwavering knowledge that this Republic, as he once said, is "unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world." May it be so, as we try to orient ourselves in this overpowering hour, that this should be his remembrance.

Our citizens are still stunned beyond all belief; as Adlai Stevenson said, an event such as this is beyond instant comprehension. Here in our land of great civilization the fires of hate have burned so intensely that our President is dead. Willy Brandt in Berlin said it first: A light has gone out.

This is the sad truth. There will be many men in the future of our country who can fulfill the constitutional role of the Presidency with reason, intelligence, and good heart; certainly there have been such in the past. But few men could articulate and personify all that is the best about this country, and refresh for all disbelievers, the truth that this is a youthful, vigorous country whose destiny lies not in the past but in the great years to come.

That is why, perhaps, his death means so much to us all. His work was unfinished. His hopes had been defined, but only a few had been culminated. Even those who disagreed with his methods, often agreed with his aims.

At his inaugural he touched upon the dilemma of the man of the 20th century in a world beset by the cold war. "Let us never negotiate out of fear," he said. "But let us never fear to negotiate." To a world struggling in misery, he described the pragmatic reasons for our help: "If a free society cannot help the many who are poor, it cannot save the few who are rich."

In office, he tried to give national reality to the challenge as he saw it: "Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe." In peace he tried to approach this higher testimony.

Now that globe has one more grave.

When the tragedy slammed into the consciousness of America yesterday, the reaction of most people was that the deed must have been done by a John Bircher or a zealot in the cause of segregation. It now appears that this was not the case, and that there is a strong possibility that the lunacy of the left, and not the right, was responsible. In one sense it makes little difference, because assassinations are always the child of extremism. There is no radical cause for which an American President should die, because it is our national judgment that he should live to fight the fight for which he was elected.

Walt Whitman, writing in 1865 upon the death of Lincoln, said it rightly in: "O Captain! My Captain!"

"My Captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won;
Exult O shores, and ring O Bells!
But I with mournful tread,
Walk the deck my Captain lies,
Fallen cold and dead."

As if to insure that our ship of state does not falter, Democrats and Republicans, Protestants and Catholics and Jews, southerners and northerners, easterners and westerners, white and Negro, all were united yesterday in grief and silent pledge to the Republic, while around the world, queens and pontiffs expressed their bereavement. In Berlin, in that separated enclave of freedom, the candles are to be lit at night in memory, and even also in Moscow, the captain of the guard who stands over Lenin's tomb, expressed sorrow at the death of the man who had tried, with principle, to bring peace to all men.

President Kennedy yesterday was in Texas, a land that shelters many who felt little comity with his views. He believed he should go there and he had prepared a short speech that will rank with his best. But instead of giving it, he was shot down, falling unconscious into the arms of his wife. For her presence, we should not grieve, she would have wanted it no other way, her heart would only have been heavier if she had not been there. Nor should we think thoughts of vengeance, nor have misguided regrets as to why it happened. Lincoln died because of his compassion, it would have advanced no cause to have President Kennedy martyred in the service of civil rights or constitutionalism or even anticommunism.

Now, as well, we have to countenance the ugly fact that the individual accused of the murder of the President was a self-avowed Marxist, an ex-patriot resident of the Soviet Union, and the local chairman of the Fair Play for Cuba Committee, an organization which was purportedly originated in the country by a gift of $5,000 from Raul Castro, the brother of Fidel Castro. Nations have gone to war for as much; the comparison of the assassination of Archduke Francis Ferdinand in Sarajevo, the flashpoint of World War I, is not inexact. But we think we know what the President would have wished, and it is not the easiest way to purge our sorrow.

It is a time, we say, to recall what is probably the best known passage of any inaugural address, given as Lincoln reached the pinnacle of his eloquence at his second inaugural: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the Nation's wounds * * * to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

For now we have a new President, even if our struggle be constant. May God protect him.

[From the Naugatuck (Conn.) Daily News, Nov. 23, 1963]

DAY OF INFAMY

Yesterday will forever be remembered as a day of infamy. It was a moment of reckoning for the assassins because they will be punished for the murderous attack on President Kennedy. The tears of the Nation fall heavily today and each will imbed in the soul of the Nation. President Kennedy was the image of our country. Whatever he said, whatever he did, so said and did the Nation. Yesterday time stood still. A nation was shocked mute for a period of horror, and when it realized the impact of what had happened, it wept. The blatant response of a people to what is a calamitous incidence rose above the aweful din of an energetic world, and a black page in history was recorded. We cannot know the ordeal of a President but there must have been many hours of fretful sleep; many hours of fears and apprehension. But like every other President before him, Mr. Kennedy waded through the

mire of criticism, censure, and festoons of Executive duties. His reward was death at the hands of assassins. We do not pretend to understand the motive nor the reason therefor, but we do know that we have lost a leader of the highest caliber. No matter what our political affiliation may be, whatever we have felt in our hearts toward him when he acted according to his judgment, such acts perhaps contrary to our beliefs, we have now just cause to lament our loss. There is no eulogy more fitting than to say of him: that he mastered our ship of state to the best of his ability, and if he erred, it was because we, the followers, strayed perhaps too far from the path which he took, believing always that the path would lead to more fertile pastures. Though he walked alone at times, he walked in the light of perseverence. Though he may have faltered at times, he was but human. Though he be dead, he lives, for the beacon of his character, his strength, and his wisdom, shines forever to light our paths as we go on without him. Truly this Nation is impoverished by his untimely death. But we, who believe that God so made man that he would require servitude, and in that servitude all must resolve in the ultimate good to be weighed in the great balance, are solaced nevertheless by the knowledge that President Kennedy was needed elsewhere to fulfill a destiny that was marked for a brief period here on earth. He is gone, but his works live on.

[From the New Britain (Conn.) Herald, Nov. 23, 1963]

A MARTYR TO DEMOCRACY

Grief hangs heavy over America today.

We mourn the death of a great man, a respected man, a prince among men.

Just as another great President fell before the assassin's sinful shot some 98 years ago, John Fitzgerald Kennedy died yesterday.

He was slain while in the full flower of his life, in a moment of joyfulness, at a time when his leadership had won him the love and friendship of uncounted millions around the globe.

It was an inconceivable deed. It was a gross, shocking, horrible moment that spun this Nation cyclonically into disbelieving horror. It was an act of hate, all the more violent because ours is a land of reason, of love and understanding. Yet, because we have believed so strongly in democracy, because we have recognized the right of men not to agree, we have allowed the haters to exist in our land.

Our dead President Kennedy is a martyr to democracy.

John Fitzgerald Kennedy believed in peace and freedom. He dedicated his stewardship to those ends, bearing on his own shoulders the massive weight of attempting to achieve justice for mankind even while under the shadow of the possibility of a nuclear holocaust. Yet he bore the burden with dedication, with a savor for the job, with a growing command of the complexities of the world.

Mr. Kennedy was for the little man. He fought hardest for those programs and policies which would have taken the burdens of life, insofar as was possible, off the shoulders of the oppressed and the poor. This sense of Christian charity permeated his very being.

At this moment, we are all Americans first. Not Democrats or Republicans or northerners or liberals or conservatives. We are simply Americans, the children of God, mourning a lost leader. It is as though we have lost a member of our own family: a father, a brother, a son.

Thank God for the wisdom of our Republic that our leadership, even under such terrible crisis, can pass smoothly and without panic, to qualified men. We pray for Lyndon Baines Johnson, our new President.

And we pray, too, that the ideals for which John F. Kennedy gave his life did not die with the firing of that bullet.

[From the New London (Conn.) Day, Nov. 23, 1963]

JOHN F. KENNEDY

The grief, the sense of outrage, at the assassination of President John F. Kennedy, are universal in this country today.

The tragic circumstances were appalling. They stunned millions, first hearing the news and unable to believe it. It seemed incredible, devastating—that a young man in the prime of life, who had been vigorously touring numerous parts of the country and recently Texas, could now lie dead, the victim of a sniper. The apparent ease with which it was done, the fact that Mrs. Kennedy was in the car, the wounding of the Texas Governor—all these make the shock more staggering.

Almost without a single exception Americans react with unbelieving wonder and helpless anger to such a thing as this—a rarity in their more or less orderly lives. In this Nation's long history there have been other attacks upon Presidents, but none with the immediate deadly effectiveness of this one. In other shootings the people have had a little time to absorb the shock, before the death of the Chief Executive.

Political divisions and partisan ideas are forgotten by the people at a time like this, as they try inadequately to express their deep sympathy for the family, their grief over this incomprehensible tragedy. They will, also, loyally pledge their cooperation in this Nation's time of crisis—the transition from the administration of John Kennedy to Lyndon Johnson, which under the best of circumstances will present problems. They will grieve also, it seems likely, over the needless sacrifice of a young man, representing a dedicated and highly intelligent effort to lead his country to peace and prosperity.

The needless angle is, as a former Chief of the Secret Service recently said, that any determined crank, with real ability as a marksman, could assassinate any President we have had in modern times. This follows because of the way in which the Chief Executive appears, relatively unprotected, in the midst of large crowds. The tragic circumstances suggest an earnest appraisal of this situation.

There is incalculable loss to the world, not just to the narrow confines of this Nation. Freedom-loving people everywhere had reason for faith and hope in a brightening ideal of real, democratic government under the inspiration of a hardworking American leader. The intelligence, the qualities of leadership, the inspiration, offered by this dynamic young Executive had a profound bearing upon their lives.

However much the American citizen feels the loss, his thoughts must turn to the personal tragedy inflicted on Jacqueline Kennedy and the two young Kennedy children. Mr. Kennedy was a devoted husband and father, a model of parenthood in the way he found time, despite the demands of a busy life, to meet the needs of his family.

Indeed, Mrs. Kennedy herself set an example of courage and reliance in a higher authority during the terrible experience in Dallas and the subsequent return with the President's remains to the White House. Perhaps there is a lesson here for all Americans.

In truth, life goes on, the man's ideas and ideals live beyond the shadow of death. Mr. Kennedy, born to wealth and with no need for further material advantages, concentrated on service to his Nation. The memory of him can only serve to strengthen America's resolve to face its problems with courage.

[From the Norwalk (Conn.) Hour, Nov. 23, 1963]

PRESIDENT KENNEDY

A shocked and sorrowful Nation today mourns the tragic death of John F. Kennedy, 35th President of the United States, who was fatally shot by a cowardly, hidden assassin Friday afternoon in Dallas, Tex.

President Kennedy joins the other martyred Chief Executives who fell from assassins' bullets—Lincoln, Garfield, and McKinley.

In Norwalk, like elsewhere all over the world, news of President Kennedy's death cast a pall of sorrow and brought tears to the eyes of hundreds.

President Kennedy, 46, was the youngest man ever elected to the Presidency, and was the first Roman Catholic ever to hold that Office.

Few will ever forget him at his inauguration when he dedicated himself to two shining goals—survival of liberty at home and peace in a world shivering in an "uncertain balance of terror."

Many important events occurred during his administration: His pledge to fight if necessary to maintain American's rights of access to Red-surrounded Berlin; manned flights into outer space; and abortive invasion of Cuba by U.S.-aided refugees; increase in the minimum wage from $1 an hour to $1.25; social security benefits increased; organization of the Peace Corps; moratorium with Russia on nuclear bomb testing; his showdown with Khrushchev to force Russia to remove nuclear weapons from Cuba.

In the present session of Congress, many of President Kennedy's proposals—income tax reduction, foreign aid, etc., met with a rough reception.

These and the other proposals of his program—what will happen to them now? And how will this affect the delicate balance of the chiefs of state in the cold war—De Gaulle, Erhardt, Home and Khrushchev—in their almost endless negotiations?

But these are, as of the moment, minor considerations compared to the fact that the democratic world not the United States alone, has lost a leader who proved himself fearless in the Russian crisis, a man of intense feeling for the underdog, and a man with the intelligence, imagination and force to fight his way toward all his objectives.

Political friends and foes alike agree on President Kennedy's patriotism and sincerity. His shocking death will never be forgotten. His love of country should be a shining example to all of the youth of our Nation.

[From the Norwich (Conn.) Bulletin, Nov. 23, 1963]

A NATION'S SORROW

A sniper's bullet, fired from ambush, plunged the Nation and the world into sorrow as it cut down John Fitzgerald Kennedy, President of the United States, while he rode with his wife and Gov. John B. Connally of Texas in a motorcade at Dallas, Tex., early Friday afternoon. Mortally wounded in the head, Mr. Kennedy was taken to a Dallas hospital where he died some 20 minutes later. Governor Connally was gravely wounded in the chest by the assassin.

The Nation in its deep mourning at the tragic death of its young President stands appalled and stunned to think that such a thing could happen in a Nation as civilized as ours. Despotic rulers have fallen at the hands of the assassin since the world began, but no one could conceive that it could happen here. There must have been deep hatred in the heart of the man who so ruthlessly fired the shot that took the life of the President. It is unthinkable that anyone, unless mentally ill, could commit such a despicable act.

The assassination of President Kennedy was one of the most tragic in the history of the Nation, largely because of the suddenness that death came. Other Presidents have died at the hand of an assassin but they did not die until some time after they had been shot, and the people were prepared for the news of their death. Yesterday, it was only a space of minutes after the news spread that the President had been shot that word of his death was flashed across the Nation and to the world.

A young man in the prime of manhood John F. Kennedy had achieved the ultimate in the field of politics—the head of the greatest Nation on earth. He had achieved this highest office in the Nation by surmounting obstacles that had defeated many who aspired to the office before him. He was born of a wealthy background; he was considered of the intelligentsia because of his Harvard background; he was the son of a man of great political influence and he was a Catholic. It was his simplicity, his youthfulness and his charming personality that carried him to the heights.

President Kennedy, although severely criticized both by members of his own party and by the Republicans, was dedicated to the interests of the Nation. In fact, his dedication extended beyond the boundaries of America. He thought in terms of world harmony; he strove to help the faltering economy of lesser nations, he was dedicated to the advancement of world peace. But there were times when he could be firm in world crisis, not to say tough. When elected there were cries that he was too young for the duties of President, but he proved his critics wrong. He performed with the efficiency of an older man; he was a student of national and international politics.

John F. Kennedy has gone and the Nation mourns; the world mourns and there is sadness everywhere. Even in Soviet Russia there is respect for the memory of Mr. Kennedy; President de Gaulle of France with whom he differed is saddened; in other nations, in Latin America where Mr. Kennedy visited there are expressions of grief and sympathy. Seldom has a President of the United States met and made friends with the leaders of other nations as the late President. To say that he was not loved by all the international leaders may be putting it mildly but there is certainty that he was respected.

Here in America he was beloved by many and respected by all. Everyone is shocked at the sudden termination of his life and the sympathy of the Nation goes to his wife and children and to his parents. We add our small tribute to a man who has given his all to our Nation and our sympathy to those who were near and dear to him.

[From the Stamford (Conn.) Advocate, Nov. 23, 1963]

JOHN F. KENNEDY

John F. Kennedy, President of the United States, died yesterday by an assassin's bullet. At the age of 46, he was a man of vigor, good health, and joy of life. His death brought disbelief, shock, dismay, and national sorrow.

He was born to great wealth. With his joyous disposition, he could have spent his life in self-pleasure without criticism. Instead, after an outstanding war record, he entered the field of politics, in which for generations his family had been prominent. He achieved immediate success. He became the youngest man ever to be elected to the highest office in our Nation.

Along with his political New Frontier, he brought to Washington a new, youthful spirit which the whole Nation, regardless of political persuasion, took to its heart. His devotion to his wife, his affection for his children gave the Nation assurance that all the old values were not dead. His sorrow over the death of an infant son became a national sorrow.

He was the first Catholic elected to the Presidency. For all time, he put an end to the false fear that a Catholic in the White House would be controlled by a Pope from Rome in secular affairs.

John F. Kennedy came to high office in trying times. The free world was tiring of the effort demanded of it to fight the cold war. This caused a weakening of needed ties. New states emerged, with loud voices, little power, and no economic viability. Their people needed help if they were to rise from poverty which was destructive to human dignity. Twenty million Negro Americans determined that now was the time to join their white fellow citizens as full partners.

These waves for change placed complex burdens on the youthful shoulders of the President. He shouldered them with courage and deep, human sympathy.

Gen. Douglas MacArthur said that on learning of the former President's death, a small part of him died with him. All Americans, in sympathy with the closely knit Kennedy family, feel with the General the loss of the personification of youthful vitality that John F. Kennedy had made part of the national way of life.

[From the Torrington (Conn.) Register, Nov. 23, 1963]

A NATION MOURNS

John F. Kennedy's career as President of the United States ended yesterday, when a senseless murderer assassinated him in Dallas, Tex.

The slaying of our Chief Executive struck the Nation with horror, leaving all of us shocked and saddened.

President Kennedy fulfilled the duties of President with dignity and distinction. His youth and vigor indicated he could continue to serve his Nation in distinguished manner for years to come.

It seems unbelievable that, in a free society such as ours, the career of the head of our Nation could be ended in such a manner. We all regret the occurrence, and angrily hope that the person responsible will be brought to justice quickly and properly.

We join people everywhere in mourning the death of John F. Kennedy. Our sincerest sympathy goes to his wife, his children and other members of his family.

And, as we mourn this death, we also express sincere hopes for success to Lyndon B. Johnson, who succeeded to the Presidency because of the despicable act in Dallas.

President Johnson's task is a difficult one. May he have the ability and strength to cope with it, and may all Americans give him the support he needs to guide the United States to new and greater heights.

[From the Willimantic (Conn.) Daily Chronicle, Nov. 23, 1963]

LEGACY OF A PRESIDENT

"Are you sure? I'm shaking. Is it possible?"

That is the way one woman responded to the news of President Kennedy's death. The President who had mingled with crowds in Berlin, Cologne, Paris, Dublin, London, and San Jose with fearless abandon, was killed by an assassin's bullet in Dallas, Tex.

Adlai Stevenson, U.S. Ambassador to the United Nations, can count himself lucky. When he was in Dallas recently he only got hit on the head with a poster carried by an angry picket. But who envisioned a sniper's bullet for the President?

John F. Kennedy was the youngest man ever elected President of the United States. He brought to this Nation a symbol of a new generation. He came to office at a time when the new age of technology and space was breaking over the civilized world. His phrase "The New Frontier" stirred the imagination of his people.

President Kennedy was a war hero in the greatest tradition. It was not that he won great battles, but that he risked his life for a member of his crew in the South Pacific. That regard for the individual is a hallmark of American tradition and President Kennedy not only preached it, he knew whereof he spoke.

It is ironic that Abraham Lincoln who freed the slaves was shot and so was President Kennedy who almost went down in history as the President who gave the Negroes equal opportunity.

President Kennedy will not leave behind him any great program which he pushed through Congress. He was cut down before his potential could be realized. He will be remembered in history for his dramatic Cuban stand that forced the Russians to take their missiles home. The Peace Corps was a startling innovation and a tremendous success. The Alliance for Progress is on a rocky road but the new emphasis on Latin America was a change in foreign policy.

There were contrasting symbols associated with President Kennedy. His famous word "vigah" became common wherever Americans gathered. His liking for a rocking chair started a new trend in home furnishings. President Kennedy touched a nerve deep within his people.

John Fitzgerald Kennedy brought to the Presidency a sense of history, a love for the arts and sciences and a respect for intelligence. It seems to us that a whole generation has been inspired by these Kennedy ideals. Perhaps there is no bill in Congress, no monument to point to, but Kennedy's intangible ideals impressed the young and old alike. "Ask not what your country can do for you, but what you can do for your country." These few words from President Kennedy's inaugural address gave the Nation renewed inspiration.

There is a new respect for intellectual achievement in the Nation, a reverence for art and a new optimism about the future. The cold war will be long and burdensome, but President Kennedy seemed to give the Nation confidence we can win it.

Our Nation will go on. But the Nation will not soon forget the spirit of the New Frontier. May its momentum carry us forward in the generation ahead.

We join with the world in offering our sympathy to the President's wife and her two small children. The world will miss him—how much, only the future will tell.

[From the Winsted (Conn.) Evening Citizen, Nov. 23, 1963]

TO HONOR HIS MEMORY

When a leader of great power and presence and capacity for good dies in office, the cause to which he gave leadership suffers grievous loss. President John F. Kennedy was such a man. The cause he served, and so eloquently led, was the threefold cause of human dignity and equality and freedom.

Though President Kennedy is dead, struck down most foully by an assassin's hand, the cause he championed as acknowledged leader of the free world lives on. We who survive him can best honor his memory by doing all in our power to advance that cause, which is the very cause for which this Nation was founded.

Guidance for the difficult time ahead may be taken from the immortal words spoken by Abraham Lincoln on that solemn occasion at Gettysburg almost exactly a century ago. For President Kennedy died in defense of freedom as truly as did those who fell on that historic field of battle. In these days of profound national sorrow it is appropriate to reflect on Lincoln's exhortation to his fellow Americans "that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain."

To resolve thus and to act thus—that is the task to which we must now turn our minds. This is so even though grief and a deep sense of loss will far outlast the initial period of outraged shock at the murderous act in Dallas. We cannot permit ourselves the luxury of needless sorrow. The forces that work against the realization of man's highest dreams remain strong and malignant. Those forces must now be countered with new dedication, so that President Kennedy's martyrdom in the fullness of life shall indeed not have been in vain.

The heaviest burden falls upon Lyndon B. Johnson, who became President the moment John F. Kennedy succumbed to the assassin's bullets. But all citizens must in some measure share that burden. In his first public utterance as Chief Executive, President Johnson said this to the American people: "I will do my best. That is all I can do. I ask your help—and God's." It is a commitment, and a challenge, worthy of the best that is in all of us.

CUSTOMS GUIDE FOR TRAVELERS

Mr. FONG. Mr. President, in 1964, the U.S. customs service will observe the 175th anniversary of its establishment. On the eve of this notable milestone in the life of a vital Government agency, I am pleased to note that a constituent of mine, Mr. E. Grant Wing, of Honolulu, has authored a book titled "Customs Guide for Travelers." The guide fills a great need in explaining, in layman's language, the often complicated story of the customs rights and responsibilities of all travelers entering the United States. It provides useful, accurate information for the benefit of both the citizen and foreign visitor. In the words of Mr. Phillip Nichols, Jr., the U.S. Commissioner of Customs, who wrote the preface:

> Because this book provides a signal service to the travel and transportation industry, its early acceptance and widespread use seem virtually assured.

The author of this valuable book—the first of its kind written—is a veteran customs officer, a World War II veteran, and a long-time resident of Hawaii. Mr. Wing has served as a customs inspector in the port of Honolulu for the past quarter century. He is also president of the National Customs Service Association, Hawaii branch. In 1961 Mr. Wing met with the Secretary of Treasury's Citizens' Task Force Committee and discussed ways and means of improving customs procedures for incoming tourists and returning residents. He came away from the meeting convinced of the need for an improved public information program by the customs service. With this in mind, he wrote the "Customs Guide for Travelers," published last month by T. S. Denison & Co., of Minneapolis, Minn.

I commend this book to all who want and need to know about the customs rights and responsibilities of travelers.

SECRETARY FREEMAN'S REPORT ON HELP TO THE LUMBER INDUSTRY

Mr. MORSE. Mr. President, on November 19 I spoke in the Senate in praise of Secretary Freeman's discussion of timber problems at a November 6, 1963, breakfast meeting in Washington, D.C.

When I commented in the Senate on Secretary Freeman's remarks, I indicated I would like very much to have a copy of Secretary Freeman's remarks of November 6 as well as the remarks of others who attended the breakfast meeting.

The November 6 meeting, at which Secretary Freeman was the honored guest, was attended by more than 100 leaders of the lumber industry, 10 Senators, 29 House Members, and 16 staff members of the House and Senate for an across-the-table discussion of matters vital to the lumber industry.

Secretary Freeman was able to report progress, substantial forward steps, and great improvements in the capacity of the Forest Service to provide the economic progress essential for this industry's continuing advancement.

It should be emphasized that the public service Secretary Freeman and the Forest Service are rendering to the lumber industry is being performed in a manner fully consistent with the policies of multiple-use and sustained-yield management of our forests. Secretary Freeman is mindful of and attentive to his responsibilities to wilderness, outdoor recreation, mineral production, livestock use, and wildlife, including hunting and fishing.

Secretary Freeman, Assistant Secretary Baker, Chief Forester Cliff, and Assistant Chiefs Greeley and Nelson are to be congratulated for their accomplishments. Also, through them I extend my congratulations to all of the Forest Service employees for their part in carrying out the improved policies that stem from the outstanding leadership that has emanated from Secretary Freeman and his associates.

Three years ago, when Secretary Freeman came to the Department of Agriculture, a small group from the Senate met with him to discuss Forest Service policies. Many improvements were needed. We told the Secretary that we wanted him to make the Forest Service a part—not only in name, but in fact—of his Department of Agriculture. We urged him to look its policies over, to consider its budget and to review personally the controversial issues that were then the sources of much difficulty. He, in turn, told us that this was just what he expected to do. He pointed out that as Governor of Minnesota, he took a special interest in the problems of each agency and he expressed surprise that the U.S. Forest Service had not had close secretarial interest and support since the days when CLINTON ANDERSON served as Secretary.

Secretary Freeman has kept his word. He started to work on Forest Service policies at once. The improvements have been many and I am confident that the Forest Service knows that because of his genuine, strong, and constructive interest, today it is better able to meet its responsibilities.

I ask unanimous consent that the complete report on the November 6 meeting, along with a letter from the National Lumber Manufacturers Association, be printed in the RECORD at the conclusion of my remarks. The Secretary's remarks are of particular importance to those who are interested in the proper administration of our Federal forests.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D.C., November 27, 1963.

The Honorable WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I am enclosing a copy of a brochure containing a report on our November 6 breakfast meeting with the Secretary of Agriculture, the Honorable Orville Freeman. Since you were present for this important meeting I thought you would be interested in having this report.

You will note that the brochure contains the full text of the Secretary's remarks, as well as comments from the industry by way of presenting the problems as we see them.

There is a good pictorial report on the back of the brochure which shows Members of Congress mingled with industry representatives in attendance for the breakfast.

Again, may I say we are most grateful for your participation in this important meeting, and we hope that we can continue to enjoy your assistance in the future as we seek solutions to problems confronting the forest products industry.

Kindest personal regards and best wishes.

Sincerely yours,

DONALD BALDWIN,
Director, Legislative Relations.

NATIONAL FOREST MANAGEMENT PROGRESS—AN EXCHANGE OF VIEWS ON THE FOUR-POINT PROGRAM BETWEEN SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AND PRODUCERS OF AMERICAN FOREST PRODUCTS

(Statements of forest products industry representatives on the four-point program, Washington, D.C., Nov. 6, 1963)

M. B. DOYLE, NATIONAL LUMBER MANUFACTURER'S ASSOCIATION

This is a historic moment for the lumber industry. We are participating once again in the highest form of democracy where people from the executive branch of Government discuss mutual problems with industry and with Members of Congress. I know Secretary Freeman personally and professionally as do many others who are here. No one in Government works more assiduously to bring Government and industry together. We are well aware that he has numerous problems in addition to these which concern us. The purpose here, nevertheless, is to set our problems out on the table so that the responsible elements in our country can better understand them and make sound decisions for resolving them together. We sincerely thank you, Mr. Secretary, your staff, and the Members of Congress for participating in this discussion.

B. L. ORELL, WEYERHAEUSER CO.

Joining us here today are many organizations not affiliated with NLMA showing that discussion of the four-point program is in behalf of the entire forest industry rather than any particular association. We are greatly honored by the number of dignitaries that are here.

To place the problem in perspective, the NLMA Forest Management Committee works on national administrative and legislative problems for the forest industry. In addition to national forest timber management problems we work on many issues which are of concern to the Department of Agriculture. These include access roads, Federal land acquisition, pesticides, and timber surveys.

Our purpose this morning, Mr. Secretary, is to tell you our impression of progress on the four-point program for national forest timber sales policy improvement presented to

you in February 1962. By way of background we have a high regard for the Forest Service and its professional staff. We have many areas of common interest, and we appreciate their cooperation on such issues as taxation, fundamental research, forest protection against fire, insects, and diseases. Our differences are serious, however, and involve matters of extreme economic importance.

The chairman of our Federal timber policy committee is Mr. J. J. Fitzgerald, executive vice president of the Edward Hines Lumber Co., who will review the situation as we see it. He will be followed by others from the principal forest regions across the United States—the west coast, western pine, the South, and the Appalachians. Although we will not have specific comments from the Lake States or New England or from the pulpwood industry, their problems are similar and they support the four-point program.

J. J. FITZGERALD, EDWARD HINES LUMBER CO.

You will recall that on February 21, 1962, at a meeting with the Secretary and many Members of Congress, we presented the following four points:

Point I suggested a new regulation establishing the regular sale of the allowable cut as a prime objective and requiring an annual performance report on national forest timber sales. Included would be plans for allowable cut performance and potential so that communities dependent on national forest timber could plan for a stable future. The Secretary has responded to this proposal and the industry is appreciative of the progress made so far in implementing Point I.

Point II requested revision of national forest timber appraisal methods. It asked specifically that the Forest Service avoid taking advantage of its monopoly in pricing timber where there is no alternative source of supply. Following discussion last year the Secretary announced, at the Western Pine Association meeting, that he would ask the Forest Service "to set up an advisory committee of people who are knowledgeable about valuation problems and who have no obligation to the Forest Service or to the industry."

The Forest Service appointed an eminently qualified Committee consisting of Yale forest economics professor, Dr. Worrell, A. N. Lockwood, past president of the American Institute of Real Estate Appraisers, and Internal Revenue Service forest valuation engineer, M. L. Lauridsen.

After nationwide examination of the facts, that Committee submitted a comprehensive report last June. This report substantiated the recommendations we made to you, Mr. Secretary. The Committee recommended, for example, that the role of the Forest Service is broader than that of a mere custodian, and that the sale of national forest timber must be considered in perspective with the whole economy. Further, the Committee supported our concern over the appraisal, profit allowance, the handling of road costs, and the need for more accurate appraisal data.

The Worrell Committee recommendations have received overwhelming nationwide endorsement. We are concerned, however, that we have not heard of steps being taken by the Government to convert these recommendations into actions.

Point III requested a new appeals procedure which would make the Forest Service a party to, rather than a judge of, a dispute. After your request, Mr. Secretary, to clarify our proposal, we submitted a new appeals procedure in June 1963, along with an analysis of the shortcomings of the existing procedures. Our procedure, as proposed, would tend to be in line with procedures of other Federal agencies. Disputes would be resolved at the regional or local level by experienced personnel appointed by the Secretary. Once more, we are concerned that we have had no reaction to the merits of the proposal.

Our fourth point requested a revision of the timber sale contract form to eliminate the one-sided nature of the contract and allow a normal buyer-and-seller relationship. We prepared such a contract and submitted it to you, Mr. Secretary, last month. Mr. Greeley has reported that review of the contract will be undertaken shortly by the Forest Service and that a meeting with industry will follow.

Since our industry is so essential to the economy of hundreds of communities and the people living in them and is one of the largest employers of manufacturing labor in the United States, the need for prompt action on this program is essential.

E. M. STODDARD, SAWTOOTH LUMBER CO.

At the February 1962 meeting, the western pine industry spokesman stated that inequities in Forest Service timber sale policies and contract provisions were in urgent need of attention. We had hoped that, by offering the industrywide four-point program, constructive policy changes would be made.

Mr. Secretary, we appreciate your efforts to assure the sale of the allowable cut of timber on national forests. Your willingness to travel to Portland, Oreg., to discuss timber policy questions with the industry was most encouraging. We greatly appreciated your directing the appointment of the Timber Appraisal Review Committee and requesting review of the Forest Service appeals procedure and timber sale contract. With your personal attention we look forward to the equitable solution to these problems.

It is essential now that the Government implement the recommendations of the Timber Appraisal Review Committee. In addition, we hope that you can find ways to accelerate the review and adoption of the industry's proposals for a new appeals procedure and timber sale contract. You may be assured, Mr. Secretary, of our industry's full cooperation to that end.

It is our sincere belief that adoption of the measures now before you will have beneficial impact on the development and stability of the many communities dependent on the national forests. This is particularly true in the 12-State western pine producing area where two-thirds of the timber resource is Government owned.

The grim reality of these matters is further magnified when you consider its effect upon jobs and payrolls, businesses, and the tax base. We hope we can soon expect satisfactory solutions to these matters.

L. L. STEWART, BOHEMIA LUMBER CO.

Mr. Secretary, we, the representatives of the Douglas-fir region of western Oregon, Washington, and California, are here today in behalf of the 140,000 people employed in our part of the forest industry. National forest timber provides a substantial portion of our annual timber needs. Half of our region's communities are largely dependent on national forest timber.

Two years ago the forest industry cooperated on a nationwide basis in developing a program to improve the management of our national forests, the results were presented to you, Mr. Secretary, as the four-point program, 20 months ago.

We have previously given written endorsement to the recommendations of your Worrell Committee on timber appraisal procedures. It is of the utmost importance that these recommendations for improving the business practices of the national forests be promptly translated into action.

We also need early consideration by you on two other points: (1) We need action on our proposed appeals procedure; and (2) we need action on a revised timber sale contract. We understand that in the last several days arrangements have been made to move ahead on the contract revision.

We are extremely appreciative, Mr. Secretary, of the personal attention you have given in helping the national forests contribute more to our Nation's annual timber harvest.

In conclusion, we hope you will use your offices to secure prompt action on these several problems. The forest-dependent communities we represent are alert to the problems and the developments in the whole field of timber selling policies because of the welfare of the people is directly affected.

JOHN B. VEACH, HARDWOOD CORP. OF AMERICA

The Appalachian Mountain region covers parts of 10 States—its forests are principally hardwoods and its national forests offer a valuable opportunity for creating many additional man-days of work to bolster its economy. The four-point program is aimed at bringing this about. Two of these points are of particular importance to this Appalachian region.

First, we need the completion, at the earliest possible date, of the new timber inventory and growth survey now being made on the national forests to form a basis for establishing a realistic allowable annual cut.

Second, we need the greatly accelerated development of the timber access road system in these national forests.

Also, we need to recognize the great potential of these forests to provide a sizable number of man-days of work in timber harvesting and access road construction.

Thanks to your leadership, Mr. Secretary, a start has been made in our area toward increasing the annual harvest to equal the full allowable cut on the national forests. For example, on these national forests, about 3 years ago only 35 percent of the allowable cut was harvested while this year it will reach 75 percent. However, the new forest surveys being made indicate that the allowable cut may be doubled. The harvest of this timber cannot be accomplished without proper access road construction—at the present, funds appropriated and allocated to the area are building only one-third of the mileage needed to practice good forestry and attain maximum multiple use.

Our forestry problems in this area are quite similar to those of my friends in the South and the West. This was very clearly shown when our group appeared before the Worrell Committee. We are quite different, however, when it comes to the problem of man-days of work which is now so important to us. To emphasize the importance of our eastern national forests, it takes 10 times as many man-hours of work to produce 1,000 feet of hardwood lumber as it does to produce 1,000 feet of western softwood lumber—this is due to size of trees, the rough terrain and the amount of manufacturing required. Our area needs to put men to work. Through the establishment of policies permitting a full allowable annual cut and the development of access roads necessary to harvest it, the national forests in the Appalachian region can be brought up to the level where they will carry their share of the economy of the region.

DEVERE DIERKS, JR., DIERKS FOREST, INC.

Mr. Secretary, the proportion of timber furnished by the national forests in the 12 Southern States is not as large as in other sections of the Nation. However, they do provide a significant amount, and can make a real contribution to industry and community stability. Although few southern lumbermen depend on the national forests for either all or a major part of their timber requirements, many need to supplement their own or other purchased stumpage.

The southern pine lumber industry will support your efforts, Mr. Secretary, to assure the orderly sale of the allowable cut so that timber purchasers will be able to better plan their future operations.

Members of our southern pine industry participated in developing both the proposed appeals procedure and the timber sale contract revision which have been presented for your review and adoption. The Timber Appraisal Review Committee visited our region and we agree with its suggestions for improving national forest timber appraisal. We urge your adoption of its recommendations.

ADDRESS BY SECRETARY ORVILLE FREEMAN TO A NOVEMBER 6, 1963, BREAKFAST MEETING, NATIONAL LUMBER MANUFACTURERS ASSOCIATION

Gathered around this hall are leaders of the great and vital and important timber industry. This is indeed a good example of American democracy in action. I hope you will tolerate me—two opening stories. The first one is about the fellow who held public office. This guy had a tough question and he was wiggling and wangling because there wasn't any clear-cut answer, and finally he came up with the best way to answer it when they got him in a corner and nailed him good. He said, "Well, I'll tell you," he said, "some of my friends are against it, some of my friends are for it, and I'm for my friends."

The same fellow, I suppose I should say, is the one that changed a long-held position that he felt very strongly, and one of his constituents who had vigorously urged the change approached him in a very generous and expansive mood and said, "Joe, we're very happy that you're with us and that you really see the light on this and we're very grateful." And he looked at him and said, "Hell, I didn't see the light, I just felt the heat."

I say this in not anything but good fun. You have put me on the hot seat, and that's the way we do business, and it is a good way. I'm glad to be here. I'm glad to be on the hot seat. I believe that if you can't stand the heat, you should get out of the kitchen, and in case you are interested, I have no intentions of resigning, either now or in the foreseeable future.

The Department of Agriculture is a wonderful Department. I'm not going to give you a chamber of commerce speech, but the more I'm with the USDA the more I am impressed with it. I have never seen such a broad field of human knowledge which I can draw upon, nor have I ever known more devoted and able people. I won't take the time this morning to spell out all the things that this Department of Agriculture does for the people of this Nation—that is, the activities other than those people think about the USDA in terms of, corn and wheat or cows and pigs.

I want to make it clear that I don't have favorites among the agencies. I couldn't afford to have favorites. Even if I had some I wouldn't say so. But I want you to know that forestry and all its relations with our great national forests and with our multiple-use philosophies is an area that is very near and dear to me. I have a deep personal interest and concern, and I have given a great deal of time and attention to all aspects of forestry. I can assure you that I am deeply concerned with and conscious of your problem—whether you can show a profit, or pay us good healthy taxes for us to spend down here at the end of the year, or provide jobs and sustenance for your communities. And John Baker, the Assistant Secretary, who cuts across the whole field of natural resources, also gives a great deal of attention to forestry. And I want you to know that we're going to continue this interest.

Let me say I appreciate the improved communications that we have. I appreciate the forthrightness, directness—I'll stop a little short of saying bluntness—with which you put me on the spot here this morning. I am going to give you the answers. That's what you want. We've been working on them. You've been a little impatient. I think some of you figured that we were just trying to play hard to get and to shift and shuffle our feet around. But we haven't. We've been working on this, carefully and diligently for a long time, even before the meeting we had on February 21, 1962, in my office.

Most of you were there at that meeting. We were working on them even before the meeting with the Western Pine Association in Portland where you were so very gracious and helpful to me and received so thoughtfully the remarks that I tried to make there in answer to your questions.

Art Temple, you were president then; I want to thank you for your graciousness and helpfulness. I want to thank you for setting a new tone of mutual relationships which has been close. But, let me get to the specifics. When we first started talking we were both hurting and bleeding economically. The years of 1961 and early 1962 were tough, hard years for your industry. They were tough economic years in terms of our country. We were concerned about it, and your meeting with me in February of 1962 helped to dramatize the situation.

The first thing you said to us was, "We need to cut timber; we need to go to work; we need to put people to work; we've got communities depending upon us. Let's go.

"Let's cut timber—that's No. 1," you said. That means making it available; that means selling it, and making it possible for you to cut it; and, as you put it very gently, that means getting off our backsides administratively and making it possible for you to get the work done. That's about the way you put it. So we tried to get off our backsides, as the saying goes. I think we did.

We went to work, and 1962 was a better year than 1961, and 1963 is going to be a better year than 1962, as you well know. One reason is that we in the Department went to work and made timber available for sale. We sold 4.7 billion board feet in the quarter ending June 30, 1962. The heavy emphasis on increased sales continued for the entire fiscal year ending June 30, 1963, with the sale of 12.2 billion board feet. Now that was 1.9 billion board feet more than the preceding year and 400 million feet higher than the volume we actually had set as a goal when we went to the Congress for financing. For the most recent quarter, which ended September 30, 1963, we had sales of 400 million feet more than the corresponding period of a year ago.

We made timber available and you went to work. May I compliment you on a doggone efficient and effective operation. You went out and you increased the volume actually cut. In the fiscal year ending June 30, 1963, a new all-time record timber cut of 10 billion board feet was established.

The cut of the most recent quarter, ending September 30, 1963, was the highest amount ever obtained in a single quarter, the highest in history. It totaled almost 3½ billion feet, or an increase of 400 million feet over the cut for the corresponding quarter last year.

So working together, we've been selling it, you've been cutting it, and I think it's a record that we can mutually take some pride in. I can honestly say to you that the Forest Service has been really moving efficiently.

The Congress, too, has acted favorably in response to your requests in this field. The Congress, for fiscal 1964 appropriation, raised $5 million above the appropriations of the previous year for timber sale administration. It takes people to do this sales job and to administer it—it's not like falling off a log; it's complicated business. Congress also has appropriated $17½ million more for roads in fiscal 1964 than in 1963. Over 65 percent of that increase is scheduled for timber access roads and road development. Now that isn't all you asked, that isn't all I asked, that isn't what most of the congressional people here asked, but it's a pretty substantial increase.

Now you ask about the four points and I want to go through them with you. But before I do, let me put you on the spot and be equally blunt with you, as you've been with me this morning. One of the things that has helped us make more timber sales has been the accelerated public works program. Now that is a part of ARA, if you will. Through this we've been able to do some work in the forests. We've been able to build a lot of roads; we've been able to accomplish tree planting; we've been able to do a lot of timber stand improvement work.

Mr. Guistina, if I may be very blunt with you, I haven't seen many people from this industry up there lobbying for APW. I'd like to see your people up there because APW is for the industry, and it's for the people that you are interested in, and for the communities that you are worried about. The money spent for forestry measures is money well spent.

Now, you'll find—maybe even in some of your organizations—where you could be a little more efficient—where you make a mistake now and then. But I'll tell you where forests are concerned on APW and a good share of this money has gone into forest work—we're ready to go on 24 hours' notice to build roads, to make timber stand improvement, to start tree planting, and to develop the whole range of multiple-use programs to provide jobs for people and to help fortify and expand the whole economic base of the communities that you're fighting for, talking about, and worrying about. And I hope that you'll discuss before you leave here the APW program and decide to get up to this Congress and help pass it and get us some money so that we can do some of the things you're asking us to do. And may I say to you that this is a doggone good investment in the future of this country.

Oh, yes, one other thing I would like to thank you for, and to say that I think that the Forest Service can properly accept some accolades for, and that is the work that was done in Oregon and Washington following the effects of the hurricane. We have moved a lot of that timber that was down, as a matter of fact most of it. On October 1 out of total of about 2 billion feet, a billion and one-half of the total has been sold and 743 million has been cut. I think that's a pretty good record. You are a fine, efficient group of operators and I thank you for it.

Now let me get to the four points because I'm prepared to give you some answers on them, and here they are:

No. 1, and I thank you for acknowledging this, the allowable cut situation under point 1, I think, has been taken care of.

The request regarding Appalachia which was raised this morning is one I hadn't heard of before this morning. I'll ask Art Greeley to make a check on this. I want to be familiar with the situation in Appalachia for a whole lot of reasons.

Now, what have we done?

In January 1963 the regulations were revised to clarify objectives, specifically S3 and S6. Also, in March of 1963 a statement on "National Forest Timber Sale Activities" was issued. This is important in connection with allowable cuts, so you will have this information. This is a proper request. It is a measuring of accomplishment against criteria, where we set down in depth and detail exactly where we are so you can evaluate it, and can give to the people who make the decision in the final analysis—the Congress of the United States. They will have better knowledge of what these operations are about. So, No. 1 is, basically, answered.

All right, now let me jump down to point 4, which is the timber sale contract. I do

that because of its high priority in relation to your very proper concern, and ours, which was: "Let's get busy and cut some timber so we can make a profit and so we can create jobs for people." Now I've looked at this contract and it has gotten kind of old and it's had a lot of things tacked on to it over the years, and I've read it very carefully myself and there are some changes that are needed in it.

You know, and I know, that dealing with the Government under a contract is not like dealing with each other under a contract. It's not quite as bad as that old saying "heads I win, tails you lose". But basically, when you deal with the Government, you deal on a prescribed basis, because the Government is the custodian of the overall public welfare, and as such this is not the same as contracts between individuals. Government contracts which deal with the public domain have got to be "tough" contracts from the standpoint of the private side of that contract. And if the Congress had not written it that way, the GAO would have told them that they should.

We do not want the contract to be a one-sided affair. I emphasized before that this contract needs a lot of work. But you know, and I know, that regarding the public domain, Government, in its relationship with the totality of the taxpayer interest, cannot enter a contract relationship as two modern business institutions would deal with each other. In a private contract you can amend, or change, or adjust it bilaterally, as the occasion may require; in private transactions you can get two lawyers around the table and decide how you are going to make particular kinds of changes. Now you don't do that in dealing with the Government. I don't go into a contract and change it to the disadvantage of the American taxpayer and the American public. I don't change it because under law I cannot do so. Certain procedures on occasion are set up for doing this. I think the point is generally understood. I don't need to belabor it.

This contract of ours has grown, and has been added to until it is a very difficult instrument. And it does tend to be, and will always tend to be, loaded on the side of Government because of the very nature of things. But there is a lot that can be done about it. This need at first was related to the immediate goal of getting out and getting the timber cut and the job done—and so it had and still has a high priority.

We went to work on it right away. And Art Greeley headed up a team which met with some representatives from your industry, and worked out some contract changes, and turned them over to your industry. Those changes were not considered by you to be adequate. You proceeded to make a substantial investment of time, and effort, and know-how to come back with what you considered an adequately revised contract. I understand you spent a great deal of money in doing it. I have looked at this, but we have had it less than a month. And yet our material was sent to you about a year ago. But, it is going to take some work and we are prepared now to sit down and go over it step by step and piece by piece. And we will revise this contract and it ought to be improved and sharpened and cleared up. I am confident this can be done. I can assure you that we are going to be more than cooperative in getting it done. And so that one point is well underway. And I am very confident that contract can be substantially improved.

It took you a year to decide what you wanted, and we will try to act a little bit faster than that. It isn't easy, but we will be digging in and working at it. We ought to have a better contract. And we will try.

Now point No. 3. That is the timber appraisal committee and the Worrell report. As has already been outlined, and as I said in Portland, we appointed a committee. I said it would come from neither the Forest Service, nor would it come from the industry proper. This was done. The committee worked very hard. And they made some recommendations. They made 37 recommendations. Of the 37 recommendations which the committee made, 34 of them, for all practical purposes, the Forest Service and the Department of Agriculture welcomed, as you welcomed them. Of those, and I am not going into detail on them here, there are seven which are going to require some working out in practical application. There will be some modifications or adjustments that we think that the committee might not have foreseen in their review. But in substance, we agree. So out of 37 recommendations in this Advisory Committee report, we agree with 34.

Now there are three that have given some trouble. I want to talk to you about those three. We have needed some decisions on them and I am prepared to give them. In this connection, the Secretary of Agriculture has a lot of advisory committees and they are advisory committees. They are appointed to advise or recommend, and not to dictate. I happen to be responsible for what goes on in the Department of Agriculture, and in the Forest Service, and I make the decisions. I appreciate and profit from advisory committee reports. But the fact that I appoint one does not necessarily mean that I am going to agree with it, or accept verbatim everything it says. And of course you realize this without my saying.

Now the three recommendations we have problems with are the ones that run to the question of profit. What do we do to try to handle this so that we will do our best to meet your need for profit in the operation that you carry on in any particular logging operation? Now this is a tough, complicated, and highly involved technical question. I will have to say that though I have spent a good many hours at it I do not completely understand all of its ramifications. But I have done my best.

First of all, I want you to know that we are concerned about this problem. We are certain that you can't operate as a normal American business operation without making a profit. So we want you to make it. And to this end we are going to do everything we can within the law and within proper procedures and protection of the public interest, and acting in the proper way. You would not want us to act in any other way.

These three recommendations, parts of the Worrell Committee report, go to the question of profit. You know that we put into effect in mid-1962 the "sale-as-a-whole" appraisal approach, under which appraised prices for high values species are reduced to make up for less than normal profit opportunities in low value species. And we think this is working out quite well. Now the appraisal review committee did make some comments on this and on the profit ratio levels used and raised questions about the published reports of profit and of profit ratios. We are prepared to make further careful studies of published profit data. So at this time we are "marrying up", as it were, the high value species and the low value species in a sensible and workable way that will make the potential profit that is necessary—assuming efficient operations on your part. It's related to the Worrell committee report but not directly in it.

Now there are two recommendations in the report that create some problem and which, at this point, I am not prepared to accept. I want to share my reasons with you. First, we get into the question of the definition of what constitutes adequate stumpage prices in connection with the whole question of "fair market value" and the "objective of appraisals." What it gets down to in this whole complicated problem, which is a legal problem in part, is a matter of definition. The law says, "appraised value." The Department has always considered appraised value as "fair market value." Now this gets down to a question of how do you handle this appraised value question and what is the definition of "fair market value" in its application to appraisals? The committee came out with something called "acceptable price." I've read this part of the report. It is a little rough to understand how acceptable price concept exactly is going to work. I am concerned also about its legal implications and its relation to the clearly established goal of fair market value. Now this whole business applies to only a relatively small number of cases, a relatively limited number of cases, and I am, at this point, unwilling without some further guidance from the U.S. Congress, to rock the boat in connection with the definition of fair market value to encompass the small number of cases involved in this whole matter.

Now whether we want to seek legislation to establish some basis other than fair market value to appraise national forest timber for sale is a question that I hope that you will consider and that you are considering. On balance, at this point, after careful consideration it seems to me that the handicaps, that the losses, and the complications, and the potential misunderstandings, and questionable legal position—that considering all these things, the transfer from fair market value to something called acceptable price, which about defies any kind of sharp and clear definition, is a highly questionable course of action for both of us. It is one that, at this point, I am not prepared to propose.

On the second recommendation, we come to the situation where the average appraised price for timber in a proposed sale is less than the average minimum stumpage rates. In this instance, timber comes up for sale as a part of allowable cut and you can't cut and make a profit on it. What are we going to do so that you can make a profit on it?

The committee in this instance says, in effect, subsidize it. Make some change in relation to what is required now within the working circle which has been agreed upon by all concerned—the industry and the Forest Service and the Congress. Do something involving proper practices, such as silvicultural practices to safeguard national forest values, or slash disposal, or snag disposal, or erosion control and the measures needed to take care of debris. These have always been considered a part of the logging job. This is work that has to be done.

The recommendation of the committee is that the cost for cleanup be absorbed by someone else. That means that the USDA does it. That means that we subsidize it. That means that we go to Congress for appropriations to do it because we don't have the funds to do it now. Now, again, this problem runs to a relatively small portion of the sales, and there is no doubt in my mind but what this will be clearly characterized as a subsidy. The Secretary of Agriculture is sick and tired of the word "subsidy." I don't know whether you want that label on your back, but I don't think you do. Speaking for myself, I don't.

You have to continue to operate. Some of you are going to be under pressure to operate in logging that presents a tough, knotty problem. But you and the Forest Service are going to be in a whole peck of trouble, including concern by some of the deeply public spirited and knowledgeable congressional leaders in this room this morning, if we start fooling around with sound practices of forestry, and of proper handling of forestry, and of proper procedures for operating jointly in our business. You know that. I know that. It's not a course that I think is sound judgment. It's

not sound judgment for us to break away from present practices on this, for reasons that I think we both understand.

So on these two points, and only these two at this time, the answer from the Secretary of Agriculture is: We are concerned, and we know this is a problem, but to the indicated extent, the answer to these two recomendations in the Worrell Committee report is very definitely "No."

Now, also, there is a third recommendation on the 'equal escalation" issue. You've got a point here, for if the price can go down so far, it ought to be able to go up so far, as well. And it looks like it's another "heads I win, tails you lose" situation. There is a problem here, and a lot of related complications, too. We are flexible on this, and as we negotiate these contract issues I think we can do something to make this a bit more effective, fair and workable to you who are conscious of this problem.

To conclude, on the Worrell Committee report there are only two things in those recommendations where at this point the Secretary of Agriculture says "No." I have outlined them. And they are cases which, in effect, involve subsidization in order to give an assured profit. I don't think you want that any more than when you responded, when I asked you in Portland, whether you wanted to have allotments of timber, rather than to have competitive bidding.

You don't want allotments. You want to be competitive and you want to continue on your operations. I think you should. I would not recommend a subsidy type of action although the problem the committee points out is vital and critical. We want to go as far as we can, but I don't think that you want to get a subsidy label on your back in relation to this. And these two things in the Worrell Committee report end up, I think, here. On that basis, the decision on these two points has been made.

Now, finally, we get to appeals. This is one that I've given a lot of attention and thought to, not only as secretary and as a former governor, but also as one who likes to think that he has a little extra interest and background in the pure matter of political philosophy of government and how it works. This concern is with big government, and how it should be responsive to the needs of the individual. This is a tough question and I have seen the problem from both sides. I have represented private industry. I have brought cases all the way to the Supreme Court. And I have been just as frustrated at times as you have in dealing with government. And I have been on the other side of the table, so I assure you that this has concerned me, as a political scientist as well as an administrator, and, I hope, a reasonable policymolder.

I have given this question of appeals a lot of thought. One of the things it comes down to is the dividing line in separating out a properly appalable question of fact where there is a difference of opinion, and where judgment on the facts ought to be made. This should be separate from a basic policy question where the administrative official is responsible for overall policy. On the question of fact, an appeal procedure is essential. On the question of policy there cannot be any appeal procedure as there is on a question of fact. I cannot delegate to an appeal committee the power to make policy decisions within the Department of Agriculture, unless the Congress of the United States says that they want a committee from your industry to run the Department. The Congress hasn't said that; they want the Secretary of Agriculture to run the Department. And so, basic policy questions are my responsibility.

Now fact questions are another thing; and where the same persons are judge and jury in making the decision is a problem. We have given a lot of thought to this, for quite a while. And here is the conclusion that we have come up with.

There are three things involved here. That is three categories of questions, I think. First, a determination of contract relief which involves issues of fact or law arising under a contract. That's No. 1.

No. 2, a decision under regulations governing the permitted use of the national forests having a direct effect on the enjoyment of such use, but where the private party has no contractual right to relief. That's area No. 2. No contract, but a history of use. And a right, or a relationship that does not involve overall policy.

And third, a decision having a broad policy impact on forest administration and management not primarily identifiable with individual private enjoyment. Now the third one involves basic policy questions. And on that one I have to say "No," in connection with appeals. That's my responsibility and I could not dissolve it legally if I wanted to. It otherwise would be impossible to operate the Department of Agriculture. And so on that one the answer is "No."

On the other two we are proposing an appeal procedure. It would work like this. First of all, the present procedure will be continued through the regional forester. At this point, if we were to set up with every regional forester an independent appeal board on every question in every region around this country, I think, gentlemen, we would have an absolutely administrative monster. I think you would find that you would get so piled up in operations that it would be literally impossible to do what we jointly want to do. At least that is my judgment.

So the same procedure through the regional forester, at this point, I would say would continue. We would, however, establish a 5-member board of appeals to consider appeals from decisions of the regional forester. Three members would be regular employees of the Department outside of the Forest Service, and two would be persons not now employed by the U.S. Government. This board would be authorized, first, to hold hearings anywhere in the United States. They would also render final decisions in appeals on questions of facts under contracts, which covers 90 percent or more of the points of which you are concerned. The board would also make advisory recommendations under point No. 2, which are quasi-policy questions, together with supporting determinations of fact to the Chief of the Forest Service.

The decisions of the Chief, based upon recommendations which come from the appeal board in category No. 2, would then be appealable to the Secretary, with the record of both, namely, the recommendation of the independent appeals board and action of the Chief on that recommendation of the appeal board. These will be referred to the Secretary for his action. This is the marginal policy area, but in it there would be a finding by an independent board, which would be highly influential.

I have mentioned that action in connection with the third class of case would remain outside the responsibility of the board. In conection with this one, speaking of broad policy determinations, you know that I have established a policy in the Department which did not always exist for broad public hearings—for example, on land exchanges. Senator MAGNUSON and I have had long talks about problems involved in exchanges. I think we have the same experience here on land exchanges that I had as Governor of the State of Minnesota. As long as we had something that we were doing behind closed doors everybody thought we were going about trying to cheat somebody. And as soon as we opened the doors, and had the press come in and let everybody know all about this exchange, then nobody even bothered to come to the meetings because then they figured nobody was cheating anybody, and we got along pretty well. And so this is what we've been doing. And today there are, on land exchanges, public hearings. Senator CHURCH is one that I have talked with about this. Senator JACKSON, and I could mention Senator NEUBERGER, and Senator MORSE, and I could mention some others, including some over on the House side.

So, on these policy questions, we come down to a matter of public hearings and every opportunity is given for a group that has a particular interest to have their say. When they have had their say, and when they have been heard, then the Congress has its say. If you think that the Secretary of Agriculture, or the Chief of the Forest Service, can be an independent operator, you don't know the U.S. Congress. I can tell you that, for when people get excited, then their Congressmen get excited, for that is their business. And when they get excited, believe me, I hear about it.

So, in this one, why there is this kind of check. And we are, in addition, proposing appeals procedure. We think that it will be workable, and meet your very proper and legitimate protest that in a sense the Forest Service has been prosecutor, judge, trial jury, defendant, and decisionmaker, and appeal court. In a sense there was some truth in that, on the question of facts as there was also on a question of contract.

If I may summarize, I have kept you here a long time, but I have tried to go into these things a little bit, and as I have said we will summarize these things, some of them more fully.

I appreciate your cooperation, communication, the help, the frankness, and, if I may say so, the bluntness. I hope I have not been too blunt this morning. But you wanted some answers. You suggested this morning that we were delaying. We have not been delaying. We have been working and thinking and making decisions and now I have announced some of them. And now you have them. And that's it. Now, let's see how these things work.

Let's keep up the spirit of cooperation, because we have gotten results. We have increased the allowable cut. We have sold more and cut more timber than at any time in the history of this country. And this is a fine record, a record on which I think we both can take some real pride. On the appraisal thing, 90 percent of the recommendations we've met, we reserve on one for more negotiations. On two, at this point, the answer is "No" for reasons I have given. In connection with the contract, we are going to make a lot more progress and I am confident that we can iron out a lot of things. And I believe that 99 percent of our problems come down to trying to do something about that contract.

On the appeal thing, you had a legitimate point in my judgment. It worries me. The appeals board, I think, is a workable procedure, and it will meet your problems and it will also meet mine, which is the eventual responsibility.

So, ladies and gentlemen, I thank you for your time, and I thank you for your courtesy, and I thank you for, I hope, your friendship. Again, may I say I have tried to give you answers. I suppose they are not everything that you would have liked. I think we have made a lot of progress. These are some terribly important issues, and I am deeply concerned. It is important to this country for its community life. We are all deeply concerned. The Forest Service is concerned. I think it has been more responsive and it will seek to be more responsive, but we first represent the American people as a whole.

We apply the law of Congress in terms of multiple use. That standard and that principle is one that you support. I will only say to you that you are not the low man on

the totem pole. Some of you, I know, feel you are. We are seeking to administer this on an equitable and fair basis in the light of present and future needs of the economy—of your industry, of your profits, of your employees, of your towns, of your people, and the social and economic conditions of this country. We are doing the very, very best we can. We are going to be responsive to you in every way that we properly can. You have the answers and the decisions that I have made. I am privileged to have this kind of company, and to make this report to you personally and to meet with you in this fine way.

PARTICIPANTS AT THE BREAKFAST DISCUSSION WITH THE SECRETARY OF AGRICULTURE

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U.S. SENATE

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Ralph D. Hodges, Jr., National Lumber Manufacturers Association, Washington, D.C.; Nils B. Hult, Hult Lumber & Plywood Co., Junction City, Oreg.; Lacy H. Hunt, L. H. Hunt Lumber Co., Nacogdoches, Tex.; E. N. W. Hunter, Pope & Talbot, Inc., Portland, Oreg.; Dave James, Simpson Timber Co., Seattle, Wash.; William T. Jobe, Jr., National Lumber Manufacturers Association, Washington, D.C.; Ray E. Johnson, West Tacoma Newsprint Co., Steilacoom, Wash.; Rae L. Johnson, Georgia-Pacific Corp., Portland, Oreg.; Richard Jordan, National Lumber Manufacturers Association, Washington, D.C.; Robert C. Keck, attorney at law, Chicago, Ill.; W. H. Kellogg, T. S. Foster Estate, Huntsville, Tex.; Baxter B. Kelly, Williams Sales Co., Sumter, S.C.; Glen M. Kittrell, Wagner Lumber Products Co., Twisp, Wash.; E. L. Kolbe, Western Pine Association, Portland, Oreg.; Jim Larson, National Lumber Manufacturers Association, Washington, D.C.; Shane MacCarthy, National Lumber Manufacturers Association, Washington, D.C.; Marshall McGrath, International Paper Co., New York, N.Y.; Herbert B. McKean, Potlatch Forests, Inc., Lewiston, Idaho; H. S. Mersereau, Georgia-Pacific Corp., Augusta, Ga.; J. F. Muller, L. & M. Lumber Co., Willis, Tex.; George Neff, Anaconda Forest Products, Bonner, Mont.; Harold P. Newson, National Lumber Manufacturers Association, Washington, D.C.; T. K. Oliver, Timber Products Co., Division Cyprus Mines Corp., Medford, Oreg.; Bernard L. Orell, Weyerhaeuser Co., Tacoma, Wash.; Leonard E. Pasek, Kimberly-Clark Corp., Neenah, Wis.; Paul D. Plumly, P. W. Plumly Corp., Winchester, Va.; Peter F. Pope, Pope & Talbot, Inc., Portland, Oreg.; Starr W. Reed, Simpson Timber Co., Seattle, Wash.; E. C. Rettig, Potlatch Forests, Inc., Lewiston, Idaho; John S. Richards, Atlas Tie Co., Coeur d'Alene, Idaho; H. A. Roberts, Western Pine Association, Portland, Oreg.; George C. Romeiser, Southern Hardware Lumber Manufacturers Association, Memphis, Tenn.; Mark Schoknecht, St. Regis Paper Co., J. Neils Division, Libby, Mont.; W. Scott Shepherd, Lumber River Manufacturing Co., Inc., Lumberton, N.C.; A. Robert Smith, correspondent, Washington, D.C.; R. E. Stermitz, Intermountain Lumber Co., Missoula, Mont.; W. E. Stevenson, S. D. S. Lumber Co., Bingen, Wash.; L. L. Stewart, Bohemia Lumber Co., Inc., Culp Creek, Oreg.; E. M. Stoddard, Sawtooth Lumber Co., Mountain Home, Idaho; William Swindells, Willamette Valley Lumber Co., Portland, Oreg.; Arthur Temple, Jr., Southern Pine Lumber Co., Diboll, Tex.; Latane Temple, Temple Lumber Co., Houston, Tex.; Mark Townsend, Townsend Lumber Co., Stuttgart, Ark.; John B. Veach, Hardware Corp. of America, Asheville, N.C.; Kenneth R. Walker, Paul Bunyan Lumber Co., Atherton, Calif.; W. R. Warner, Potlatch Forests, Inc., Warren, Ark.; L. W. Wilson, Bemis Hardware Lumber Co., Robbinsville, N.C.; Steve Wilson, Steve Wilson Co., Medford, Oreg.; and Gene Wortsman, Rocky Mountain News, Denver, Colo.

LUMBER STANDARDS WARNING TO THE WEST

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in my remarks an article from the October issue of Western Timber Industry. This sets forth action taken in Florida by its State legislature to make it illegal to install lumber exceeding a 19-percent moisture content in any structure or building used for human habitation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRY LUMBER ADVOCATES PUT OVER QUICKIE BILL TO OUTLAW GREEN

TALLAHASSEE, FLA.—The Florida legislature has passed a law making it illegal to install lumber exceeding 19 percent in moisture content into any "structure or building used for human habitation."

The Southern pine interests (who must dry to 19 percent maximum to prevent stain and damage to their wood) have apparently out-slickered the Douglas fir region producers who hadn't an inkling that the legislation was pending until it was too late.

The South generally, and Florida particularly, have been longtime excellent markets for green Douglas fir dimension lumber which has competed on even (and better) terms with dry pine.

We print the Florida statute below:

"CHAPTER 63-359; HOUSE BILL No. 1078

"An act relating to the use of lumber for construction; amending section 536.22, Florida statutes, making certain uses of certain types of lumber unlawful; providing for enforcement; providing effective date

"Be it enacted by the Legislature of the State of Florida:

"SECTION 1. Section 536.22, Florida statutes, is amended to read:

"'536.22 Lumber, moisture content; enforcement:

"'1. All lumber 2 inches or less in thickness shall contain not more than 19 percent moisture content at the time such lumber is permanently installed into a structure or building used for human habitation. Such lumber shall at no time be less than American lumber standard sizes when such lumber is at 19 percent moisture content.

"'2. It shall be the duty of every State and county attorney, sheriff, constable, the commissioner of agriculture or his duly authorized representative, and any other appropriate State and county official to enforce the provisions of this section. The aforementioned officials are authorized to make application for injunction to the proper circuit court and the judge of said court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction or both restraining any person from violating or continuing to violate any of the provisions of this section or from failing or refusing to comply with the requirements of this section, said injunction to issue without bond.

"'3. The installation of any lumber which does not conform to the provisions contained in subsection (1) shall be prohibited and any person installing such lumber in a structure or building for human habitation shall, upon conviction, be guilty of a misdemeanor.'

"SEC. 2. This act shall take effect September 1, 1963.

"Became a law without the Governor's approval.

"Filed in Office, Secretary of State June 11, 1963."

Mr. MORSE. For some time, opponents and proponents of the proposal to change lumber standards have been presenting their points of view to me. Therefore, I was gratified when the Secretary of Commerce decided to have the entire matter reviewed by the Bureau of Standards.

One of the views expressed to me by the opponents of the proposed standard change was that it would be followed by efforts to eliminate green Douglas-fir dimension lumber from the marketplace. The action recently taken by the Florida Legislature appears to conform to the views expressed on this score.

It is not for me to judge the action taken by the legislature of a sovereign State in our Union, but certainly the producers of Douglas-fir lumber have every right to be concerned about an arbitrary statute, whether Federal or State in origin, which in its operation works a hardship on an industry and a region without showing that it is essential for protection of the public interest. It may well be that the Western Douglas-fir industry will want to examine this Florida act carefully to determine whether it should be tested in the courts, but certainly the Douglas-fir areas of our Nation should recognize that legislation such as this, if enacted in a number of States where Douglas-fir enjoys a good market, will seriously curtail sales of Douglas-fir lumber. In my view, those who urged the Florida Legislature to enact this bill are not serving the interests of the lumber industry—an industry which is engaged in a commendable program to expand the use of wood.

The National Lumber Manufacturers Association has urged the approval of revised lumber standards. The Secretary of Commerce has the responsibility to determine whether the approval of these revised standards could have the economic effect of outlawing green lumber, crippling the Douglas-fir lumber industry, and preventing the use of green lumber, even where it can meet the public interest test for utilization and service.

Finally, I think that this is a matter which concerned citizens of the State of Oregon and other Douglas-fir States should take up with their Governors. They should express their views to the Governors of the great lumber-using States so that this legislation will not be repeated elsewhere. They might find it helpful to confer on this matter with the Governor of Florida.

The cause of internal trade is not aided by actions which limit the sale of useful products among our several States. In my judgment if this legislation is not needed to protect the public interest. It is similar, in effect, to a confiscatory tariff. Legislation such as that adopted by Florida constitutes an invitation for retaliatory legislation by other States. In the long run, this will do a disservice to our Nation and the affected States.

A PRIVATE U.S. PEACE CORPS IN VENEZUELA

Mr. JAVITS. Mr. President, a privately organized group of volunteers, mostly Americans, is helping 690 Venezuelan families to help themselves raise their living standards and improve their material circumstances. Calling itself ACCION, which stands for Americans for Community Cooperation in Other Nations, this group has sent 35 field-workers into Venezuela not only to spark self-help projects to improve housing, set up cooperative industries, install sanitary facilities and other community advantages but most importantly to organize counterpart ACCION groups among the Venezuelans themselves. Funds for ACCION's operations are obtained largely through contributions by American and Venezuelan business firms with some help also from Alliance for Progress funds.

The entire enterprise is a tribute to U.S. private initiative outside of the Government and it contains the potential of a tremendous movement by Americans to help our Latin American neighbors in a distinctly American way. It differs from the Peace Corps mainly in having voluntary assignments and personnel preferring a voluntary organizational framework; and in phasing the whole program for indigenous personnel to take over. ACCION's 1964 program is:

First. Continuation of work in 30 barrios initiated or continued in 1963.

Second. Recruitment and selection of 50 North American and European workers through ACCION's U.S. recruiting offices.

Third. Ten-day retraining course for field-workers and a 2-month training course for the new workers.

Fourth. Recruitment and selection of 100 Venezuelan workers—70 full-time workers and 30 university students.

Fifth. Initiation of projects in approximately 75 new barrios for an intensified campaign in the 5 areas mentioned above.

Sixth. Work toward greater unification of agencies and services dealing in community problems in order to keep alive community responsibility on a long-term basis.

In order to distinguish itself from other similar programs ACCION stresses the following characteristics:

First. The full-time trained community action worker from outside the barrio.

Second. Living in the barrio in order to have continuous involvement in barrio life and problems and be able to best stimulate and guide barrio community action and assure followthrough.

Third. The role of the worker as a catalytic agent, stimulating self-help projects within the barrio, multiplying the effect of change by channeling outside aid into projects.

I ask unanimous consent to have printed in the RECORD the report in the New York Times of December 1, 1963, headlined "Venezuela Town Honors Kennedy," and the article by James Daniel entitled "ACCION Speaks Louder Than Words," which appeared in Reader's Digest, September 1962.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

VENEZUELA TOWN HONORS KENNEDY—EX-SLUM DWELLERS RENAME NEW SETTLEMENT FOR HIM

CARACAS, VENEZUELA, November 28.—Something of what President Kennedy meant to Latin America became evident Tuesday night on a hilltop 15 miles southwest of Caracas.

Six hundred and ninety families dislodged from sewerside slums of the Venezuelan capital, are building homes on the hill. The settlement is being constructed with the help of Alliance for Progress funds. When the settlers heard of President Kennedy's death,

they petitioned the Governor to change their settlement's name from Corral de Piedra to Presidente Kennedy.

On Tuesday night an official motorcade drove up the dirt road. The settlers gathered in the muddy square in front of the school, lit by new electric lights. The Governor announced the new name. The U.S. Ambassador, C. Allan Stewart, a stocky, cigar-chewing man who looks as if he came from the steps of a country courthouse, said in Spanish:

"The best monument to President Kennedy will be the homes."

MOURNFUL VOICES

The residents of the settlement spoke mournfully of President Kennedy.

"He was a beautiful President, a humanitarian man, that was the main thing," 18-year-old Esperanza Valdes said.

"When the news came you couldn't hear a thing here but the radios," Pablo Oliviett, an electrician, recalled.

"He *knew how* the poor felt," a laborer said of President Kennedy.

The settlement of Presidente Kennedy is not an impressive sight. The hill is a scar of raw earth and the houses—temporary structures that the residents will replace with permanent ones—stand in drab white rows. Brightly painted huts on nearby hills, overgrown with green foliage, are almost beautiful by contrast—but they are slums.

President Kennedy discloses progress as it generally looks in this part of the world: painful, unnatural and ugly. But it is not a slum.

"For the first time the Venezuelan Government and the United States Government have done the right thing," Mr. Oliviett said, gesturing toward the valley. "They have given the land of the rich to the poor to live."

Miss Valdes said: "We used to live in Bella Vista, 12 of us in a 1-room shack. Now we have three rooms and our own land and it is clean here."

Some residents expressed worry over whether the project would continue to progress. One complained that building materials were slow in coming and another that there were few stores and poor transportation.

Water, light, sewage and the temporary houses have been provided by the Government. It will also provide building materials as a loan and the residents will build their own permanent houses.

Walking through chilly dark alleys between temporary beaverboard walls. Arcemir Millan, a young clerk, said:

"Most of us are young here. We are looking at the future and we hope things will be better."

He helped a visitor over a pile of splintered lumber and added:

"We may look bad but we are not stuck. That's what is important. I wish that every 25 years a Kennedy could be born in the United States."

To the visitor this seemed not only a tribute to President Kennedy but a cogent description of the Alliance for Progress program of aid to Latin America.

OUTSIDERS HELP COMMUNITIES

The 2,500 people of Barrio la Linea, Venezuela, still live in tin-roofed houses of wood and cardboard. But they now have a sanitary sewer that they installed themselves, a community center for adult classes that they built themselves and some other comforts of modern living.

The hamlet, near Caracas, is one of 30 communities in Venezuela where self-help projects sparked by outsiders are bringing in cooperative industries, improving the housing, paving the streets, setting up community institutions, and building a community spirit.

In Barrio la Linea the outsiders were two Californians, Miss Winifred Marich and Miss Suzy Navarrete, the latter of Colombian ancestry. They went to Barrio la Linea as volunteers from ACCION (Action), Americans for Community Cooperation In Other Nations.

ACCION has organized a counterpart in Venezuela, Organizadores de Acción Communal (Organizers of Community Action), and the program has entered its second phase. Now the 30 demonstration projects are carried on by two-member teams. One member is a Venezuelan university student or full-time volunteer and the other is a foreigner from the United States, Canada, Guatemala, the Netherlands, France, Sweden, or Trinidad.

Currently at work in Venezuela are 35 foreign volunteers, most of them from the United States, and 30 Venezuelans.

In the next phase of the program, starting next year, the Venezuelans will take over the projects and initiate and carry out new ones, with the foreign volunteers working alongside them. In the final phase the Venezuelans will take over the whole program and the North Americans and Europeans will depart. The foreign contingent will start over again in one or more of five countries from which ACCION has received requests from leading citizens, private agencies, and concerns interested in developing community action in their own lands.

[From Latin American Report]

ACCION SPEAKS LOUDER THAN WORDS

(By James Daniel)

Just 4 years ago, in Venezuela, ugly Communist-led mobs came within a hairbreadth of murdering U.S. Vice President Richard Nixon. With that mood still lingering, there could hardly be a riskier country for idealistic young U.S. men and women to venture into in the hope of promoting self-help and international good will. Yet the seething, restless slums of this oil-producing South American country are today the scene of a unique and effective adventure—a private Peace Corps.

On the outskirts of the Capital City of Caracas is a dingy slum where cabbies often refuse to go because of Communist brigands who waylay cars, rob gasoline stations and set them afire with the attendants locked inside. Yet in this same slum two young North American girls—Suzy Navarrete, 28, and Winifred Marich, 25—now conduct a thriving community center where local volunteers teach reading, writing, sewing, cooking, auto mechanics. So successful is the center that the local Communist leader has twice tried to get himself listed as a sponsor.

Venezuela's Central University, with 20,000 students, is a hotbed of radicalism where extremists regularly sweep the student elections. Here Rodmar Pulley, 25, who had 2 years of previous Latin American experience as a Mormon missionary in Guatemala, now attends classes. To his Venezuelan roommate, prone to emotional denunciations of "capitalism," Rod suggested that they pool their money, buy an electric blender and go into business making milkshakes. Each night after the campus snack bar closed, their room became a mecca for thirsty students, and soon the two young men were flush with spending money. Whereupon Rod generously sold his interest to the roommate at cost. "Now you are the capitalist," he said.

Taken aback, the Venezuelan student thought a moment. "I guess," he said, "your view of capitalism depends on who is the capitalist."

In the farming community of Magdalena, a suburb of the city of Maracay, Russell Scarato, 27, a former engineer at Lawrence Radiation Laboratory at the University of California, persuaded the inhabitants to open up an abandoned factory and make rugs and furniture from wild rushes. The factory now has 10 men working full time and in addition provides cash income to 70 women who braid rushes at home. The products are sold through department stores. Profits are being plowed back to develop a trade school.

The prime movers in these and a dozen similar ventures are young U.S. volunteer members of ACCION (Americans for Community Cooperation in Other Nations) in Venezuela. Recruited mostly from California campuses, their group differs from the taxpayer supported Peace Corps in financing (entirely voluntary contributions) and in freedom from Government control. Also, as a private group, its carefully screened participants are able to go into the politically explosive areas, including the universities, with greater independence in their work.

In operation for only 1 year, the movement has racked up some gratifying successes. Take, for example, the raw frontier town of San Félix on the Orinoco River. Since the discovery of a nearby mountain of iron ore, a combination Pittsburgh-TVA has been fast taking shape here, making it a potentially dangerous area politically. On the edge of town is an area called Barrio La Laja. Six months ago La Laja was as dejected an accumulation of mud-and-wattle houses, naked children, rooting hogs and pecking hens as could be found anywhere in Latin America.

Then Talton Ray, 22, and David Smith, 20, rented a tiny house and moved in. Noting that La Laja needed some sort of recreation facilities, they suggested a court for playing bolas criollas, Venezuela's favorite bowling game. Catching the interest of the people by demonstrating a CINVA-Ram—a portable, hand-operated machine for making building blocks out of earth and a tiny amount of cement—they soon had a dozen eager teenage boys at work. After the bowling court was completed, the men of the community joined in to build a volleyball court. Next, La Laja's menfolk straightened and leveled the dirt streets, calcimined the house fronts, planted flowering trees.

Water for La Laja had to be bought from vendors or carried from the river in the ubiquitous oil drum. But Tal and Dave discovered enough salvageable pipe in an abandoned spur line to connect La Laja with a water main that ran from San Félix to an outlying factory. Thirty-five men of La Laja volunteered to spend their weekends digging trenches and laying the pipe. One month later, the people of the barrio, who had been spending up to a fifth of their meager incomes to have drinking water trucked in at 22 cents a barrel, could turn the tap at any of 13 public fountains and get all the water they wanted free.

To the two Accion volunteers, the climax of the story came when a delegation from an adjoining barrio demanded of a man of La Laja, "Why is the Government doing this for you and not for us?" The weekend worker spat and said, "Amigos, we're doing this by ourselves for ourselves."

The guiding light behind Accion is a 28-year-old, square-jawed Californian, Joseph H. Blatchford. He worked his way through the University of California at Berkeley, where he was class president and a top tennis player—good enough to play at Wimbledon in 1957. A growing interest in public affairs led him to a 4-month job in Washington, D.C., as administrative assistant to a Congressman, before he returned to California and entered law school.

A big topic at the time was the anti-American student riots abroad, particularly in Latin America. In 1958–59, Joe and a team of seven other collegians studied up on Spanish and toured 30 Latin American cities in a youth-to-youth good will effort. At each stop Joe put on an exhibition match with the local tennis champ, and the other fellows gave impromptu jazz sessions. "The Swinging Ambassadors," the boys were frequently called.

One important reason for Latin animosity toward the United States, the group found, was the lack of common purpose at the family and community level. "It's because they have never had a tradition of local responsibility," Joe Blatchford decided. "They evolved under the patrón system of always looking to somebody above you to get things for you. In the course of postwar events the United States became, for them, the ultimate father image. And since we couldn't possibly satisfy all the economic demands made on us, the result was Latin American frustration and rebellious anti-Americanism."

If this thinking was correct, then the answer to the animosity was to help Latin Americans rely upon themselves.

During his second year of law school Joe Blatchford came across the famous essay "A Moral Equivalent for War," by William James. In this 50-year-old essay the philosopher proposed that modern youth be conscripted not for war but to help the havenots of the world lift themselves.

As he read the essay, Joe recalls, "every nerve came alive." He dashed to a typewriter and banged out the original prospectus for Accion. He visualized it as a movement, like a sports league, in which teams of U.S. collegians from each State would compete to see which could do most to stimulate and transform an underdeveloped country. Working off the kitchen table of his student apartment, with the help of fellow law students Jerry Brady and Gary Glenn, Joe devoted his spare time to canvassing California campuses for student support and faculty advisers.

In June 1960, with a $1,000 contribution from a businessman and his own total savings of $300, Joe made a survey trip to Peru, Ecuador, and Colombia. He decided on Colombia as the place in which to begin Accion, and started recruiting volunteers. Then unexpected competition reared its head: Presidential candidate John Kennedy in a San Francisco speech electrifyingly called for a national Peace Corps.

Kennedy's victory in the election almost killed Joe's plan. Businessmen who had been encouraging now said, "Why should I give to Accion when I'm going to be taxed for the Peace Corps?" Also, Peace Corps officials came up with their own proposal for a project in Colombia.

Unwilling to see his years of hard work go down the drain, Joe Blatchford made a risky decision. On his survey trip he had avoided Venezuela, figuring that country was still too incendiary for the program he envisioned. Now, with Colombia out, he decided to take Accion into the lion's den. With an encouraging letter from U.S. Ambassador Teodoro Moscoso (since put in charge of the Alliance for Progress in Washington), Joe flew back and forth between Caracas and New York, got pledges of 400,000 bolivares (about $90,000) for the first year's operation.

A year ago the first band of 30 Accion volunteers arrived in Venezuela. They had had 2 weeks of orientation at the Hispanic-American Institute of Stanford University; in Caracas they underwent 2 months of intensive Spanish instruction, supplemented by lectures on Venezuelan history, politics, and economics. Then they fanned out into the barrios.

"Starry-eyed kids out for a lark," some U.S. businessmen in Caracas considered them, likely to get involved in an incident and damage already shaky U.S. prestige. Today these businessmen, plus rich and poor Venezuelans—who ordinarily don't see things alike—agree on the value of Accion. In Maracaibo's Barrio Cañada Honda, the president of a newly elected community council showed me a tile-and-plaster community center nearing completion with space for classes, films, and an office, and pointed to land where the council plans a children's and nursing mothers' dispensary. Said Acevedo Zerpa, a laborer, "First we awaken the spirit of the barrio, then we educate the people to help themselves. Everybody will come to find out how Cañada Honda did this."

Gustavo Vollmer, who heads one of Venezuela's largest industrial complexes and also serves on Accion's Venezuelan board of advisers, told me, "What these kids have is something like religion."

Certainly, Accion exhibits a kind of self-sacrifice which only a powerful motivating force can elicit. In a country with the highest cost of living in the Western Hemisphere (Caracas is 50 percent more expensive than New York) the average Accion allowance is only $140 a month—which must cover personal living expenses, plus local official travel, many incidental working expenses. Money earned by moonlighting (volunteers translate English publications into Spanish, coach Venezuelan diplomats in English, give guitar lessons, demonstrate tractor maintenance) goes into the common treasury.

A typical feeling among the volunteers (all of whom sign up for 15 months) is that of Dorothy Brinkman, 30. Says Dorothy, a graduate sociologist who once worked in a New York advertising agency analyzing Perry Como's fan mail, and who has now helped the women of the oil camp town of Anaco open a cooperative to manufacture preserves to sell, "This is the first thing in my life that I felt was really for the future."

Four other Latin American countries have inquired about the possibility of obtaining Accion missions. Jerry Brady, who now directs Accion's stateside correspondence and public information,[1] has recently made arrangements to recruit in Arizona and New Mexico (as well as in California) and has opened an eastern beachhead at Yale University. Apart from possible new missions to other countries, more volunteers are needed now in Venezuela. This winter, if sufficient dollars can be raised for their passage 50 new U.S. volunteers will join 50 local trainees, who represent a step toward eventually converting the Venezuela program into a wholly Venezuelan effort.

Accion's ultimate test, of course, will be how successful the volunteers are in inculcating the ideals of individual and local responsibility. In Venezuela, there is reason to hope the lesson is being learned. Dr. Manuel Pérez Guerrera, Minister of Planning and Coordination, told me:

"During the next few years you will see a revolution in the relationship between our people and their government. They have been too dependent on help from above and from the center. There must be more responsibility below and at the perimeter."

To this, C. Allan Stewart, U.S. Ambassador in Caracas, adds: "These Accion youngsters are transforming the image of the United States here in Venezuela. If I were the local Communist chief, I would consider Accion a defeat."

[1] Address: Accion, Post Office Box 903, Berkeley 1, Calif.

PRESIDENTIAL COMMISSION ON AUTOMATION

Mr. JAVITS. Mr. President, the Manpower Subcommittee of the Senate Labor and Public Welfare Committee has recently completed exhaustive hearings on the manpower problems confronting the Nation and has given specific attention to Senate Joint Resolution 105, to create a Presidential Commission on Automation, which I, along with Senators MORSE, CLARK, COOPER, DOUGLAS, FONG, INOUYE, LONG of Missouri, and RANDOLPH introduced following President Kennedy's recommendation at the time of the railroad labor dispute this year. A recent editorial in the Washington Star highlights the excellent testimony of Albert J. Hayes, president of the International Association of Machinists, whose position is a most farsighted one, and I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Dec. 7, 1963]

AUTOMATION

One of labor's ablest leaders has given Congress an honest and articulate appraisal of the effects of automation which merit the prompt and sympathetic attention of that body. The views of Albert J. Hayes, president of the International Association of Machinists, strike us as the most intelligent and reasonable yet enunciated on behalf of labor.

It is noteworthy that in his remarks to the Senate Employment and Manpower Subcommittee, Mr. Hayes tacitly accepts the fact that the expansion of automation not only is inevitable, but is necessary if this country is to maintain its competitive position in the world market. Rather than calling for a futile rollback in the tide of technology, Mr. Hayes emphasizes the urgent need for governmental guidance to help displaced workers cross the shoals of unemployment and insecurity.

On the strength of his own figures—that automation is destroying about 5 jobs for every one it creates and that 200,000 factory jobs are being blotted out each year—Mr. Hayes is justified in calling technological change the No. 1 problem facing the Nation. He also is justified in suggesting that the threat of from 8 to 15 million unemployed within a few years "is a fact that Congress cannot ignore or overlook much longer."

As one who is close to millions living "in a suspended state of insecurity, fearful that loss of their jobs will be followed by inability to find another," the Machinists president is putting in a strong word for the Presidential Commission on Automation urged by the late President Kennedy. The commission is needed, he says, not only to find ways of reducing the impact on the work force but to "truly pioneer in the new concepts that must inevitably follow upon the further application of automation in our economy." Mr. Hayes concluded:

"As I have tried to make clear, organized labor in America welcomes automation. Unlike the desperate and unhappy men who roamed the English countryside, more than a century ago, smashing the machines that were destroying their jobs, American labor has no desire to slow the Nation's technological progress. However, we also do not want the machines to smash our society. And, as many studies of recent trends have indicated, such a result is not impossible unless we take steps now to prevent it."

We agree with Mr. Hayes that "the time is long overdue for Congress to take cognizance of a fact that is already so plainly and painfully apparent to so many American families." The establishment of the Presidential Commission on Automation would be a start in the right direction.

RENAMING NATIONAL CULTURAL CENTER IN MEMORY OF JOHN F. KENNEDY

Mr. MOSS. Mr. President, the response of the Congress and the country to the suggestion that the National Cultural Center be named in memory of

President Kennedy has been vast and spontaneous. There has been an endless procession of ideas as to how our great, martyred President should be honored, but almost everyone agrees that it is eminently fitting and right that the Cultural Center, to which both he and his lady have given such devoted support, should bear the Kennedy name. It would be the memorial which, I believe, would give him the greatest possible satisfaction could he somehow make his wishes known to us.

Forty-six Members of the Senate—almost half of us—have cosponsored the resolution to establish the John F. Kennedy Memorial Center, the Johnson administration measure. It is as practical as is our new President in that it provides for Federal matching of public funds, dollar for dollar, to build and equip the Center. It has been referred to the Senate Public Works Committee, of which I am a member, and which is chaired by the distinguished Senator from Michigan [Mr. McNamara]. I am confident that the chairman will see that the Memorial Center measure is given prompt attention, and I am sure it will be just as promptly reported. I believe the House Committee will act quickly, too.

This is unquestionably one measure that can, and should, be public law before the Christmas recess.

There are millions of people throughout the country who loved and respected President Kennedy, and who are searching for some way to assuage their grief by contributing to a lasting memorial to him. The John F. Kennedy Memorial Center would give them a way to do so.

One letter I recently received reads this way:

> John Fitzgerald Kennedy, who will be known to future generations as one of our finest Presidents, has been tragically taken from us, and in this hour of sadness we can only thank God that for a short period of time at least, we were permitted to have this great man as leader of our country.
>
> I urge you to do all within your power to aid passage of the bill, now before the Senate, to rename the proposed National Cultural Center the John Fitzgerald Kennedy Cultural Center.
>
> Enclosed please find, in memory of our beloved President, a check for $5 which I ask you to turn over to the public fund for the proposed Center.

I am sure all other Members of the Senate have received similar contributions.

We should not overlook the schoolchildren in any campaign for funds for the Memorial Center. Pennies from schoolchildren helped us pay for the Statue of Liberty, and I am sure that every adult who ever contributed to this statue now feels a pride in this great beacon of liberty. Children who put pennies or nickels or dimes into the Kennedy Memorial Center will always feel that they have a stake in the cultural advancement of the Nation, and in keeping alive literature, music, and art to strengthen our democracy.

I think we may also want to reconsider the site chosen for the memorial to be sure it will be easily accessible to all. I likewise hope enough money can be raised to provide a subsidy so that tickets can be kept within the price reach of all, so that this Center can become both a lasting and living memorial to President Kennedy.

COMMUNISM IS THE REAL ENEMY

Mr. BYRD of West Virginia. Mr. President, a recent editorial in the Wheeling, W. Va., News-Register calls attention to the way in which the attention of this Nation has been diverted from our significant and dangerously potent political enemies of the left and directed instead toward a smattering of noisy rightists.

I believe that the real danger this Nation faces now is the danger of letting ourselves become blind to the greatest enemy our way of life has ever known: communism. The editorial in the News-Register recalls to mind the active and sinister role that communism has played in the events of recent years; in particular, from the outbreak of the Korean war to the assassination of President Kennedy. These are facts which we cannot afford to forget in these perilous times.

Mr. President, I ask unanimous consent that the editorial in the News-Register be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Real Enemy

So much attention has been focused on the far right extremist groups and their activities in the United States over the last couple of years that at times we have all but lost sight of the ever-present danger caused by the militant, subversive far left.

Almost in an instant after President Kennedy's assassination there arose national suspicion wanting to link the crime with the radical rightwing. This, in our way of thinking, is the most revealing aspect to come out of the tragedy which upset the entire Nation. Unknowingly, we as a people in these United States, had become blinded to the greatest enemy our way of life has ever known. We are referring to communism and all its leftist affiliates, the cause for worldwide insecurity for so many years.

Isn't it so that it was communism which divided the world into the free and the slave nations?

Isn't it true that there would be no cold war if it were not for communism?

Isn't it a fact that communism murdered thousands of persons in Hungary because they wanted to live as freemen?

Did we not fight a strange war in Korea costing thousands of American lives because of communism?

Did we not hear the leader of Communist Russia boastfully state that he would "bury us"?

Is our memory so short as to forget the conspiracy between Soviet Russia and Castro's Cuba which placed threatening weapons of destruction only 90 miles off the shores of the United States?

Repeatedly have we not found enemy agents working in our very midst attempting to undermine this country's security?

Is it not so that millions and millions of dollars are being drained from the American people in order to provide a deterrent against aggression threatened by the Red forces?

The list could be continued almost endlessly. However, the most compelling reason why we should come back to our senses can be found in the most shocking recent event which has caused this national concern. The man who was charged with the slaying of President Kennedy had his sympathies not with the rightwing extremists but instead with communism, according to the evidence revealed to date. He had gone so far as to write in 1959: "I affirm that my allegiance is to the Soviet Socialist Republic."

We hold no brief whatsoever for the rightwing fanatics and their stirring up of hatreds, but at the same time our most serious cause for alarm is found in the way the American people have become lulled into a false sense of security by their diminishing alertness to the threat of communism.

There are among us in this country, even in communities the size of Wheeling, those dangerous elements who sympathize with the Communist conspiracy. At all times they are scheming and plotting ways of extending their sphere of influence. They have had an easier time of late because their devious movements have all but been overshadowed by the indignation against the activities of the rightwingers.

The real harm done by the rightist extremists now can be seen. Their fanatical ravings against the left, instead of spotlighting the menace of communism, only did the reverse. It is high time that we got our feet back on the ground in this country, both in high and low places, and recognize once more the true enemies of our great Republic.

ASSASSINATING THE FACTS

Mr. BYRD of West Virginia. Mr. President, a recent editorial in the White Sulphur Springs, W. Va., Sentinel points out the fact that communism is trying to turn a national tragedy into a national neurosis in our country. The shock of a Presidential assassination has set off a wave of emotionalism which, the Sentinel declares, is being deliberately built up by the Communists in order to weaken our resistance against them.

Mr. President, we must not allow our loss to become communism's gain. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Assassinating the Facts

Our country is shrouded with the tragedy of John F. Kennedy. The personal disaster to the Kennedy family, the violent disruption of the processes of Government, the dread intrusion of assassination into our life, above all, the emotional aftermath—these specters all march across the main stage of national, and indeed, international life. We are a troubled nation, experiencing a sobering crisis.

The facts of the assassination themselves are comprehensible. The motive, however, is still obscure. A second assassination has deprived us of the official verdict that we needed so badly. But, in their most authoritative form, these facts must be preserved and held high for all to see. Without them, we would be experiencing an emotional reign of terror spawning sweeping and unfounded accusations.

Lee Oswald was a man of the Communist left. He had publicly proclaimed his love of the Soviet Union and his hatred of what he called "the prison" United States. He was a follower of Castro. He was an agitator for the cause of Soviet aggression. Whether or not he acted officially as a Communist in perpetrating the dastardly act has not been established.

The evidence that Oswald committed the heinous crime is mountainous. His palm prints were on the box at the sniper's post. Paraffin tests established that he had just fired a rifle. He was photographed with such a rifle as fired the lethal bullets. He went

to the building whence the shots were fired with an elongated package he described as "window shades." In his living quarters there was a found a diagram of the trajectory of the bullets that killed the President. Oswald was placed at the scene of the firing. He was seen killing the policeman who sought to arrest him.

When these facts began to reach the grief-stricken Nation, the Communists found it imperative that they be impeached. The Communists, and others, needed to obscure or, at least to fuzz over, the verdict. Onto this scene came Jack Ruby. What was his role?

The whole Communist apparatus has gone to work at impugning the assembled facts. The campaign is well orchestrated. It is helped by powerful voices thundering that the killing was the work of "bigots" and "rightists." Communist street pamphleteers are passing out thousands of leaflets which say that the assassination of the President was the work of the "Birchites."

This is the framework of the struggle ahead. The Communists, and those who unaccountably side with them, will be pressing hard to deflect the great emotional surge that swirls around the tragedy of John F. Kennedy into a national neurosis against further resistance to the growing Soviet tide.

It is appalling even to contemplate the emotional frenzy that would have been unleashed against the city of Dallas and the so-called political right if Police Chief Jess Curry's men had not apprehended an out-of-town Marxist as the assassin of the President in the first hours after the deed. It is becoming more and more apparent that Dallas is being designated by the Communists as a symbol in the chess game they are playing with our destiny.

It is particularly lamentable that the man who should be the most judicial-minded in the land, the Chief Justice of the U.S. Supreme Court, is being less than carefully judicial about his emotional assessments of the evidence, and hurls his own emotional charge over the land.

PROPOSED REDUCTIONS IN TARIFFS ON CATTLE AND BEEF

Mr. HRUSKA. Mr. President, yesterday at my request there were inserted in the RECORD two statements in opposition to the proposed reductions in tariffs on cattle and beef—by Robert M. Howard, secretary-treasurer of the Nebraska Stock Growers Association, representing the cattle raisers of my State, and by C. W. McMillan, executive vice president of the American National Cattlemen's Association, which represents cattlemen from all over the country.

Today, I ask unanimous consent to have inserted in the RECORD the statement against these reductions which was submitted to the Tariff Commission by the National Livestock Feeders Association of which Don F. Magdanz is executive secretary-treasurer and B. H. Jones, associate secretary-treasurer. In this matter, there is no difference of opinion between the cattle raisers and the cattle feeders; all segments of the cattle industry recognize that they suffer from the excessive volume of imports experienced during recent years.

There being objection, the statement was ordered to be printed in the RECORD, as follows:

BRIEF IN OPPOSITION TO TARIFF DECREASES

(Submitted by National Livestock Feeders Association, 309 Livestock Exchange Building, Omaha, Nebr.)

I. MEMBERS OF THE NATIONAL LIVESTOCK FEEDERS ASSOCIATION ARE UNEQUIVOCALLY OPPOSED TO FURTHER TARIFF CONCESSIONS ON LIVESTOCK, MEAT, AND/OR LIVESTOCK AND MEAT PRODUCTS IMPORTED INTO THE UNITED STATES [1]

A. Statement of position and interest

The National Livestock Feeders Association is a voluntary, nonprofit, nonpolitical trade organization of domestic livestock farmers engaged in the business of feeding and finishing livestock—cattle, hogs, and sheep—for the slaughter market. The association is sustained by membership dues. Membership exists in 22 States, and there are 100 State and local livestock feeders associations affiliated with the national association.

Almost a third of the total cash receipts from farming come from the sale of meat animals.[2] Typically, members of the National Livestock Feeders Association own the livestock they grow and finish in the production phase of preparing meats (beef, pork, lamb, and mutton) for the American consumer. They buy feedlot replacement animals in the framework of a competitive market and sell the finished cattle, hogs, and sheep under the same market situation, in which supply (domestic production, imports, and supplies of competing—substitute—products) is the most important determinant of price. The business risks inherent in such an operation are assumed by the livestock farmer himself (National Livestock Feeders Association member). This means that he is vitally interested, in fact his financial well-being depends upon maintaining a balance between meat supplies and consumer demand in the United States. Of primary concern in this connection are foreign trade agreements (including tariff and nontariff protection) which in effect force domestic producers to compete with unlimited volumes of imports, while, on the other hand, they face serious obstacles in the exportation of domestically produced meat and meat and livestock products.

B. Commodities and products of interest

Tariff schedules of the United States

Schedule 1—Animal and vegetable products

Item and product name

Part 1. Live animals—live animals other than birds—cattle:

100.40 Weighing under 200 pounds each.
100.43 Other.
100.45 Weighing 200 pounds or more but under 700 pounds.
100.50 Weighing 700 pounds or more each.
100.53 Other (than for dairy purposes).
100.55 Other.
100.81 Sheep.
100.85 Swine.

Part 2. Meats, subpart B—Meats other than bird meat; meats (except meat offal), fresh, chilled, or frozen, of all animals, except birds:

106.10 Cattle.
106.20 Goats and sheep (except lambs)—mutton and goat meat.
106.30 Lambs.
106.40 Swine—fresh or chilled, frozen.

Edible meat offal, fresh, chilled, or frozen, of all animals (except birds):

106.80 Valued not over 20 cents per pound.
106.85 Valued over 20 cents per pound.

Sausages, whether or not in airtight containers:

107.10 Pork, fresh.
107.15 Pork, other.
107.20 Beef, in airtight containers.
107.25 Beef, other.

Pork, prepared or preserved (except sausage):

107.30 Not boned and cooked and packed in airtight containers.
107.35 Boned and cooked and packed in airtight containers.

Beef and veal, prepared or preserved (except sausage)—beef or veal, cured or pickled:

107.40 Valued not over 30 cents per pound.
107.45 Valued over 30 cents per pound.
107.50 Beef in airtight containers.

Other:

107.55 Other, valued not over 30 cents per pound.
107.60 Other, valued over 30 cents per pound.
107.80 Extract of meat, including fluid.

II. TARIFFS ON LIVESTOCK, MEAT, AND LIVESTOCK AND MEAT PRODUCTS SHOULD NOT BE REDUCED

1. Virtually no reciprocity exists now for the United States in livestock and meats, with the exception of trade with Canada.

2. U.S. tariffs on livestock and meats are quite similar to those of Canada, the only country with which any appreciable degree of reciprocity exists, except for Canadian ad valorem rates on canned products which are substantially higher than U.S. rates for corresponding products.

TABLE 1.—*Trade with Canada in livestock and meats* [1]

	U.S. imports	U.S. exports
1960	$72,388,000	$27,759,000
1961	95,298,000	37,719,000
1962	96,464,000	33,842,000

[1] Foreign Agricultural Service, U.S. Department of Agriculture.

3. Every nation with which the United States now trades in any volume of livestock and/or meats, except Canada, provides substantial and very effective nontariff protection for domestic producers.

4. The very large growth in meat imports in recent years is indisputable proof that U.S. tariffs are not at a level to seriously impede the flow of these products into this country. In fact, the opposite is true; namely, that tariffs are not now sufficiently high to provide the necessary protection to domestic producers to enable them to compete on an equitable basis with producers in other nations.

III. THE UNITED STATES IS AMONG THE MOST LIBERAL IN THE WORLD IN ITS AGRICULTURAL IMPORTS POLICIES. ALL MAJOR COUNTRIES, WITH THE POSSIBLE EXCEPTION OF CANADA, PROVIDES A MUCH HIGHER DEGREE OF PROTECTION FOR DOMESTIC LIVESTOCK PRODUCERS THAN DOES THE UNITED STATES

A. Tariff and other protection

The United States cut tariffs in half on most all livestock and meat products in 1948 (fresh, chilled, or frozen beef and veal from 6 cents per pound to 3 cents; mutton from 5 to 2.5 cents; lamb from 7 to 3.5 cents; and pork from 2.5 to 1.25 cents per pound.)

The actual effective level, however, has been reduced much more than those per pound figures indicate, due to the failure of the United States to change to an ad valorem basis during the inflationary years since the thirties. For example, 6 cents per pound was an effective deterrent to imports of beef and veal pre-World War II when farmers were receiving from 3.73 to 8.75 cents per pound for beef cattle; however, a 3-cent-per-pound tariff is very little deterrent under prevailing prices of 38 to 42 cents per pound for imported beef.[3] On an ad valorem basis, this is only 7 percent. Other kinds of meat show a similar relationship.

[1] "Meat(s)" as used in this brief refers to red meat(s) only, that which is derived from cattle, hogs, and sheep (beef, pork, lamb, and mutton).

[2] "Meat Consumption Trends and Patterns," Agriculture Handbook No. 187, July 1960, U.S. Department of Agriculture, p. 1.

[3] Prices reported in the National Provisioner for imported beef.

Compare this ad valorem figure to the tariff structure of other countries to which the United States may export, many of which have gone to ad valorem bases and have complex systems of high tariffs, flexible tariffs and/or quotas, import licenses and/or certificates, gate price systems, and so forth.

The European Economic Community nations, to which the United States exported one-fourth of the dollar volume of U.S. livestock and meat product exports in 1961 and 24 percent in 1962 (see footnote 1 of table 2) are employing import duties, gate price system, import certificates and deposits, quotas, and intervention measures in developing common policy on livestock and meat imports.

TABLE 2.—*Common external tariffs* [1]

Item	Common external tariffs (percent ad valorem)	Gate price	Import certificates and deposits
Cattle and calves	16	Yes	No.
Beef and veal:			
Fresh or chilled	20	Yes	No.
Frozen	20	Yes	Yes.
Variety meats (offal)	20	No	Yes.
Tallow (inedible)	2	No	No.
Canned beef	26	No	Yes.
Beef sausages, etc	21	No	Yes.
Hides and skins	0	No	No.
Casings	0	No	No.

[1] "Common Market Regulations and U.S. Livestock and Meat Products Exports," by Martin V. Gerrity, Chief, Commodity Analysis Branch, Foreign Agricultural Service, August issue of Livestock and Meat Situation, U.S. Department of Agriculture.

Note that the common external tariff on beef and veal is three times the ad valorem equivalent of U.S. tariff, two times the U.S. level on canned beef, and one and a half times the U.S. level on sausages.

For trade with non-EEC countries, the basic levy on hog carcasses is made up initially of 3 elements: (1) the intra-Community levy applicable, (2) the difference between feed grain costs for pork production in Netherlands and feed grain cost on the world market, and (3) an amount equal to 2 percent of the average offer prices from third countries the preceding year.

The levy on imports of hog carcasses from third countries, based on the above 3 elements during January-March, 1963, is as follows:

TABLE 3.—*Dollars per 100 pounds* [1]

Belgium	5.85
Germany	12.95
France	7.12
Italy	9.18
Luxembourg	15.98
Netherlands	2.85

[1] Tables and statements in this section, ibid., footnote 1, table 2.

The import duty on hog carcasses into the United States is $1.25 per 100 pounds. Of the EEC countries, the Netherlands is a major exporter of pork to the United States. In addition to utilizing the variable levy-gate price system of the CAP regulations, this country uses quantitative import controls and minimum import prices as Government policy tools to protect domestic agricultural prices.[4]

The purpose of the EEC gate prices is to provide additional protection against the possibility of oversupply if there is a temporary glut in Community markets.

In addition, if imports under the Common Agricultural Policy cause or threaten serious disruption of markets of one or more EEC States, these States are free to take any safeguard measure necessary.[5]

Australia, the largest exporter of beef and veal and mutton to the United States, prohibits imports of cattle and sheep and imports of hog and pork products from the United States under a health restriction. Also, the Government's Tariff Board has the authority to impose emergency tariffs or other types of import controls whenever it is deemed necessary to protect domestic producers against competition from imports. In addition, commodity boards exercise considerable marketing control over many Australian agricultural commodities, including meats. This control is particularly applicable to exports, but in many instances the boards operate as monopolies and tend to restrict, if not prohibit, imports.[6]

New Zealand, the largest exporter of lamb and second largest exporter of beef and veal to the United States, prohibits imports of most meat and other packinghouse products.[6]

Ireland, the third largest exporter of beef and veal to the United States, generally restricts all livestock and meat products by requiring import licenses. Tariffs are high.[6]

Trade barriers severely restrict U.S. exports of livestock and meat products to Mexico. This is one of the two large exporting countries of live cattle to the United States. If these controls were lifted, U.S. exports would rise sharply. Import permits from the Ministry of Industry and Commerce are required for most products. Imports are also subject to high tariffs, and imports of slaughter livestock are prohibited. Canned pork duties are very high: 2 pesos per net kilogram (7 cents per pound) plus 60 percent of the invoice value or a valuation of 14 pesos per kilogram (52 cents per pound), whichever is higher.[7]

Denmark, one of the largest exporters of pork to the United States, prohibits entry of such products from the United States under a health restriction. Also, annual "licensing budgets" are set up each fiscal year denoting global import quotas with quantity, value, and items specified.[8]

B. Nontariff protection

The United States and Canada are the only two major countries which provide no nontariff protection for domestic producers of livestock and meat.

Nontariff protection is just as effective as is tariff protection for domestic producers; therefore, it is highly important in developing national policy on tariffs to consider nontariffs restrictions, also.

The U.S. Department of Agriculture recently conducted a study on this subject for agricultural products and commodities.[9] In announcing the results, Secretary of Agriculture Orville L. Freeman made these statements: "The study shows that all our major trading partners practice a higher degree of agricultural protectionism through nontariff barriers than does the United States. The United States is among the most liberal in the world in its agricultural import policies. The farmers of the United States carry out their production operations with far less protection from competitive imports than do farmers of practically all other countries."

With regard to livestock and meat specifically, the study showed that the United States and Canada are the only two major nations in the world with no nontariff protection for domestic producers (see table 4).

TABLE 4.—*Livestock and meat: Proportion of the value of domestic production protected against imports by nontariff trade barriers, selected countries* [1]

[In millions of dollars]

Country	Total value	Protected value	Percent
France	2,479	2,355	95.0
West Germany	2,349	2,231	95.0
Netherlands	475	452	95.2
Italy	1,136	1,136	100.0
Belgium	341	156	45.7
Greece	109	109	100.0
Austria	310	310	100.0
Denmark	560	560	100.0
Norway	112	106	94.6
Portugal	102	102	100.0
Switzerland	242	232	95.9
United Kingdom	1,355	456	33.7
Canada	854	0	0
Australia	531	383	72.1
New Zealand	312	311	100.0
Japan	618	355	57.4
United States	9,255	0	0

[1] CONGRESSIONAL RECORD, Sept. 24, 1963, p. 17839, Senator ROMAN L. HRUSKA. Compiled from data in "Agricultural Protection by Nontariff Trade Barriers," ERS-Foreign-60, September 1963, U.S. Department of Agriculture.

Note particularly the complete or almost complete protection which major exporting nations of livestock and/or meat products to the United States provide for their own producers: Australia, 72.1 percent; New Zealand, 100 percent; Netherlands, 95 percent; Denmark, 100 percent.

TABLE 5.—*All meat: Principal exporters and importers; average, 1951-55 and 1956-60; and annual 1960, 1961, and 1962* [1]

[Carcass weight in millions of pounds]

	Average		1960	1961	1962
	1951-55	1956-61			
EXPORTING COUNTRIES					
Australia	[2] 471	726	591	867	1,149
Argentina	802	1,369	983	980	1,197
Denmark	772	913	1,032	1,043	1,134
New Zealand	794	954	1,060	1,043	1,062
France	127	163	266	352	451
Netherlands	271	374	454	382	373
Yugoslavia	22	127	198	251	301
Ireland	158	181	241	309	292
Uruguay	136	103	153	113	152
Mexico	68	58	112	92	107
United States	140	145	115	112	102
Others	577	862	1,067	980	916
Total	4,338	5,975	6,272	6,524	7,237
IMPORTING COUNTRIES					
United Kingdom	2,743	3,414	3,512	3,290	3,385
United States	462	890	1,048	1,327	1,850
Germany, West	129	245	253	284	367
Italy	84	280	360	144	275
U.S.S.R.	544	342	212	139	169
Canada	54	75	90	131	131
Spain	12	5	39	26	127
Belgium-Luxembourg	42	58	69	84	94
Others	573	719	820	1,052	948
Total	4,643	6,028	6,403	6,477	7,346

[1] CONGRESSIONAL RECORD, Sept. 24, 1963, p. 17839, Senator ROMAN L. HRUSKA.
[2] Year ending June 30.

NOTE.—All meat converted to carcass weight equivalent. Includes beef and veal, pork, mutton, and lamb, goat and horsemeat, except live animals; edible variety meat, lard, rabbit, and poultry meat. Figures for individual years 1960-62 are preliminary.

Source: Publications of the Foreign Agricultural Service, U.S. Department of Agriculture.

IV. U.S. MEAT IMPORTS HAVE INCREASED PHENOMENALLY, AND THE UNITED STATES IS NOW A NET IMPORTER BY A SUBSTANTIAL AMOUNT

A. General status of U.S. foreign trade in livestock and meats

Prior to 1958, the United States was a net exporter of livestock, meat, and livestock and

[4] "Agricultural Protection by Nontariff Trade Barriers," ERS—Foreign-60, September 1963, U.S. Department of Agriculture.

[5] Ibid., footnote 1, table 3.

[6] Ibid., footnote 7, and "Prospects for Foreign Trade in Livestock and Meat," January 1963, U.S. Department of Agriculture.

[7] "Foreign Crops and Markets," Oct. 1, 1962, U.S. Department of Agriculture.

[8] Ibid., footnote 9.

[9] "Agricultural Protection by Nontariff Trade Barriers," ERS-Foreign-60, September 1963, U.S. Department of Agriculture.

meat products; however, the last 6 years have seen a complete reversal in the balance of trade in these products. The dollar volume of exports of livestock and meats by this country in 1962 amounted to approximately $320 million; whereas, our imports were around $850 million. In other words, in 1962, the United States imported 2⅔ times the dollar volume of her exports.[10]

TABLE 6.—*U.S. balance of trade in meats* [1]

[Carcass weight, million pounds]

	Imports	Exports	Net imports
BEEF AND VEAL			
1960	775	58	719
1961	1,037	58	979
1962	1,445	53	1,392
LAMB AND MUTTON			
1960	87	2	85
1961	101	2	99
1962	143	3	140
PORK			
1960	186	138	48
1961	187	139	48
1962	216	132	84
TOTAL MEATS			
1960	1,048	196	852
1961	1,325	199	1,126
1962	1,804	198	1,606

[1] "Livestock and Meat Situation," November 1963, U.S. Department of Agriculture.

B. Imports of cattle and calves, beef and veal

Imports of beef and veal have increased at an alarming rate beginning in 1958. The volume (including livestock, meat equivalent) has reached 10.6 percent of domestic production.

Imports reached a record of 1.45 billion pounds (carcass weight) in 1962. This accelerated rate has continued into 1963. For the first 6 months of this year, import tonnage was 1.09 billion pounds compared to .89 billion pounds during the same period of 1962, an increase of 22 percent.[11]

In the past cattle cycles, the volume of beef and veal imports has tended to vary with the cycle: relatively large when cow slaughter was low and vice versa (cow slaughter tends to decline when cattle inventories are increasing and rise when herds are being reduced). Our people, as domestic producers, have not objected to the importation of what might be considered a stabilizing volume of meat and meat products; however, since 1958 major exporting countries of beef and veal; namely, Australia and New Zealand, have no longer been satisfied to export this level to the United States. In fact, it is apparent that their attitude has changed to one of exploiting the American market to the greatest extent possible.

Prior to 1958, imports of beef and veal from Australia were very small (see table 7). In late 1958, the United Kingdom-Australian Meat Agreement was modified. This agreement had restricted Australia from shipping other than very small quantities of meat to other countries. Since modification, this country has increased both its meat production and exports and has concentrated on exporting to the United States. Of the total Australian exports of beef and veal in 1962, 81 percent (44.9 million pounds, product weight) was shipped to the United States. This constituted 46 percent of U.S. imports of beef and veal.

New Zealand contributed 22 percent of the total beef and veal imported into this country in 1962, ranking as the second largest supplier. For the past 3 years, the United States has been the major market for New Zealand boneless beef exports, taking over 90 percent of its exports.

TABLE 7.—*Imports of all beef and veal* [1]

[Product weight, million pounds]

	Australia	New Zealand	Ireland
Average:			
1951–55	1.4	13.0	7.2
1958	16.9	182.0	23.7
1959	223.9	160.9	42.0
1960	144.7	130.7	43.6
1961	232.2	154.3	61.1
1962	444.7	213.6	70.7
1962 as a percent of 1951–55	31,764.0	1,643.0	982.0

[1] Foreign Agricultural Service figures, U.S. Department of Agriculture.

Attention is called to the comparison between the 1951–55 average and the 1962 volume: 1962 volume is 31,800 percent of the 1951–55 tonnage for Australia and 1,600 percent for New Zealand.

Beef and veal imports plus the meat equivalent of live cattle imports have risen at a much faster rate in recent years than domestic beef and veal production. The additional supplies provided by this tonnage has exerted pressure on the domestic market for both fed and nonfed cattle. The comparison between imports and domestic production vividly points up the substantially larger proportion which imports now make up of overall supplies, and the magnanimous increase in beef and veal imports (meat) from 1958 to date. Unfortunately for domestic producers, domestic production and import volume have trended to peak together, contrary to past cattle cycles (see table 8).

C. Imports of lambs and lamb and mutton

Imports of lambs and lamb and mutton are now at a level almost equal to one-fourth of domestic production.

The imports of lamb and mutton show a pattern similar to that of beef and veal: substantial buildup from 1958 on, reaching 23 percent of domestic production in the first 6 months of 1963. (See table 8.)

[10] "Cattle and Beef Statistics," Oct. 29, 1963, and U.S. foreign agricultural trade by commodities calendar year 1962, June 1963, U.S. Department of Agriculture.

[11] Ibid., footnote 1, table 6.

TABLE 8.—*U.S. imports of cattle and beef, lambs and lamb and mutton, compared with production, 1950–63* [1]

CATTLE AND CALVES AND BEEF AND VEAL

Year	Imports: Live animals: Number	Imports: Live animals: Meat equivalent [2]	Imports: Meat	Imports: Total [3]	Meat production [4]	Imports as a percentage of production	Year	Imports: Live animals: Number	Imports: Live animals: Meat equivalent [2]	Imports: Meat	Imports: Total [3]	Meat production [4]	Imports as a percentage of production
	1,000 head	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*			*1,000 head*	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*	
1950	438	157	348	505	10,764	4.7	1959	688	191	1,063	1,254	14,588	8.9
1951	220	91	484	575	9,896	5.8	1960	645	163	775	938	15,835	5.6
1952	138	47	429	476	10,819	4.4	1961	1,023	250	1,037	1,287	16,341	7.9
1953	177	62	271	333	13,953	2.4	1962	1,232	280	1,445	1,725	16,311	10.6
1954	71	35	232	267	14,610	1.8	January to August 1962	583	132	893	1,025	10,895	9.4
1955	296	93	229	322	15,147	2.1	January to August 1963	555	118	1,086	1,204	11,386	10.6
1956	141	43	211	254	16,094	1.6							
1957	703	221	395	616	15,728	3.9							
1958	1,126	340	909	1,249	14,516	8.6							
LAMBS AND LAMB AND MUTTON													
1950	97	3	3	6	597	1.0	1959	76	2	104	106	738	14.4
1951	14	(5)	7	7	521	1.3	1960	50	1	87	88	768	11.5
1952	(5)	(5)	6	6	648	.9	1961	1	c	101	101	832	12.1
1953	1	(5)	3	3	729	.4	1962	21	1	143	144	809	17.8
1954	1	(5)	2	2	734	.3	January to August 1962	3	(4)	95	95	533	17.8
1955	8	(5)	2	2	758	.3	January to August 1963	1	(4)	115	115	503	22.9
1956	3	(5)	1	1	741	.1							
1957	18	1	4	5	707	.7							
1958	40	1	41	42	688	6.1							

[1] "Livestock and Meat Situation," November 1963, U.S. Department of Agriculture.
[2] Estimated at 53 percent of the live weight of all dutiable imports of cattle and for lambs an average 30-pound carcass.
[3] Canned and other processed meats have been converted to their carcass weight equivalent.
[4] Total production (including an estimate for farm slaughter).
[5] Less than 500 head.
[6] Less than 500,000 pounds.

In 1962, 65 million or 45 percent of the total of 144 million pounds (carcass weight) of imports was mutton. Mutton is used in this country along with boneless beef and veal, primarily in the manufacture of processed meat products. Imports of mutton in 1962 amounted to 80 percent of domestic U.S. production.[12]

Contrary to popular belief, total domestic production of lamb and mutton has not followed a consistent downward trend in recent years. Table 8 shows domestic production together with a comparison between it and imports. Special attention is called to the fact that imports of lambs and lamb and mutton are now at a level almost equal to one-fourth of domestic production. The Commission can take judicial note of the serious financial condition in which the U.S. sheep industry finds itself.

In 1962, 98 percent of the mutton imported came from Australia and 78 percent of the lamb from New Zealand.

D. Imports of swine and pork

The value of swine and pork imported into the United States in 1962 was $128 million.

The initial large jump in pork imports into the United States came earlier than for beef and veal, and lamb and mutton. The year 1953 saw import tonnage increase to 164 million pounds (carcass weight) from 71 million in 1952 and 33 million pounds in 1950, an increase of 400 percent from 1950 to 1953. Pork imports have continued to climb since 1953, reaching 216 million pounds in 1962 and 135 million pounds for the first 6 months of 1963. (See footnote 1, table 9.) In other words, shipments of pork to this country in 1962 were 650 percent of the 1950 volume (on a carcass weight basis).

TABLE 9.—*Imports of pork, 1950-1963* [1]

[Carcass weight—million pounds]

1950	33
1951	51
1952	71
1953	164
1954	184
1955	175
1956	151
1957	144
1958	193
1959	186
1960	186
1961	187
1962	216
1963 (January-July)	135

[1] "Livestock and Meat Statistics," July 1958, and "Livestock and Meat Situation," November 1963.

The value of swine and pork imported into the United States in 1962 was $128 million.[13] Major pork exporting countries to the United States are Denmark, Netherlands, Poland, and Canada. In 1962 the United States received the following quantities (product weight) of pork from these countries: Denmark, 63.8 million pounds; Netherlands, 43.4 million pounds; Poland, 39.8 million pounds; and Canada, 46.8 million pounds.[14]

V. EFFECT OF IMPORTS ON DOMESTIC PRODUCERS

Imports of livestock and meats are directly competitive with domestic production, and have reached a level which adversely affects domestic producers.

A. The effect on cattle feeders and producers

Imports have caused a downward pressure on Choice fed steer prices of from $6.60 to $18 per head, according to U.S. Department of Agriculture study.

Cattle feeders have experienced, and are still experiencing, serious financial losses in the feeding season of 1962–63. The average price of Choice steers at Chicago dropped $7.50 per hundredweight from November 1962 to May 1963. Current prices are only $1.50 above the May low.[15]

The seriousness of the financial plight of the cattle feeder is borne out by a study conducted by the U.S. Department of Agriculture.[16] According to this study, considering the cost of feeder cattle, feed costs, and marketing and transportation expenses only, the feeder has operated at a negative margin of $11.86 per head during the feeding season beginning in 1962. When all costs are considered, however, operating losses have been much higher. For the class of cattle used in the USDA study, the Correspondent Bank Department of the First National Bank, Omaha, Nebr., estimated costs not considered in the study to total $28.25 per head; veterinary fees, $2; power and fuel, $2.50; taxes and insurance, $4; depreciation and miscellaneous, $2.25; interest, $8; death loss, $2.50; and labor, $7. This means that the feeder has actually been subjected to a negative operating margin of $40 per head.

Imports affect domestic prices by adding to the total supply of beef. Cattle, beef, and veal imports added 9.4 pounds per capita to domestic supplies in 1962.

The composition of beef and veal imports has changed materially since the mid-1950's. During the period 1954 to 1956, canned beef (imported mainly from South American countries) made up 72 percent of the total. Currently, imported beef and veal is largely in the form of boneless frozen product, some of which is suitable for uses other than in the manufacture of processed products. Thus far in 1963, based on carcass weight, 81 percent of beef and veal imports has been boneless beef and only 14 percent canned beef. This radical change in composition of imports has changed their competitive influence.

The U.S. Department of Agriculture undertook to determine the extent of the impact on cattle prices in a recent study.[17] The following statements are based on the Department findings:

1. Imports have held utility cow prices at Chicago down to a straight line level since 1959 despite low domestic cow slaughter; imports increased substantially during these years. Utility cows at Chicago averaged $15.68 in 1960, $15.66 during 1961, and $15.50 in 1962.

2. Imports do affect the fed cattle market:

(a) The fed cattle market and the cow market, and thus imports, are related in that there is a downward substitution of cuts from fed beef carcasses for use in manufacturing processed products; and, also, the various classes of products do compete for the consumer's dollar.

Definite proof of the above is found in the study results which showed that, at 1962 levels, a 1 pound per capita change in either cow beef or fed beef production results in a change of about 50 cents in the price of utility cows.

(b) A change of 10 percent in domestic cow beef production plus imports for the period of 1948–62 caused prices of Choice steers to change in the opposite direction by 3 percent. Cow and bull beef production from 1948 to 1962 declined some 572 million pounds; whereas, imports increased 1,369 million pounds (carcass weight and including meat equivalent of live animals imported). This means, then, that imports were fully responsible for whatever downward price pressure resulted. During this period cow and bull beef production plus imports increased 18 percent, which would result, therefore, in a downward pressure on Choice steer prices of 5.4 percent. Translated into actual prices, such a percentage decrease would be $1.35 per hundredweight on a $25 Choice steer, or $14.85 per head for a 1,100 pound animal.

(c) At 1962 levels, a 1 pound per capita change in cow and bull beef production plus imports would affect Choice steer prices by 15 to 20 cents per hundredweight. In 1962, imports of beef and veal amounted to 9.4 pounds per capita. Based on the USDA conclusion, this would mean $1.65 per hundredweight, or $18 per head on 1,100-pound steers.

(d) The USDA study showed that the amount of influence on price is affected by the level of imports relative to domestic production. It was indicated that when imports equal about 10 percent of total domestic beef production—as they have recently—an increase of 10 percent in imports would cause, on the average, a drop of about 1 percent in the price of Choice steers. Choice steers in 1962 (Chicago) averaged $27.67 per hundredweight, and for the first 8 months of 1963 imports (carcass weight) of beef and veal were up 21.6 percent. Based on the USDA conclusion, then, imports have caused a 2.16 percent drop in fed prices, or 60 cents per hundredweight and $6.60 per head on an 1,100-pound steer (first 8 months of 1963 versus first 8 months of 1962). In the words of the study, "if imports are a larger proportion of domestic production, the effect on prices is greater."

B. The effect on sheep and lamb feeders and producers

Imports of mutton have caused the same type of pressure on domestic prices as described for beef and veal. Downward pressure on domestic lamb prices has been in the neighborhood of $1.72 or more per head.

In 1962, imports of lambs, and lamb and mutton rose to 144 million pounds (carcass weight and including meat equivalent of live animals imported).[18] Of this tonnage, mutton made up 65 million pounds.[19] The mutton imported was almost 100 percent frozen boneless product. In actual practice this is used to mix with beef and veal and other manufacturing meat in preparing processed products. Therefore, imports of mutton exert the same sort of downward price pressure on domestic producers as has just been described for beef and veal. Mutton imports increased from 1.7 million pounds in 1957 to 65 million pounds in 1962, an increase of 3,724 percent.[20]

In the case of lambs and lamb (meat), imports increased from 3.3 million pounds in 1957 to 79 million pounds in 1962. These imports compete directly with domestically produced lambs. During the post-World War II period, on the average, for each change in total supplies of lamb of a magnitude to cause a 1-percent change in annual per capita consumption, there has been an average change in the opposite direction in farm lamb prices of 1 percent.[21]

In 1957 (year previous to the large lamb import increase), imports of lambs and lamb (excluding mutton) added 0.02 pound per

[12] Ibid., footnote 1, table 8.

[13] U.S. Foreign Agricultural Trade by Commodities Calendar Year 1962, June 1963, U.S. Department of Agriculture.

[14] "Livestock and Meat Situation," November 1963, U.S. Department of Agriculture.

[15] "Cattle and Beef Statistics," Oct. 29, 1963, and Market News Weekly Summary and Statistics, Nov. 23, 1963, U.S. Department of Agriculture.

[16] Reported in August 1963 issue of "Livestock and Meat Situation," U.S. Department of Agriculture.

[17] Report in the November 1963 issue of "Livestock and Meat Situation," U.S. Department of Agriculture.

[18] Ibid., footnote 23.

[19] Foreign Agricultural Service figures, U.S. Department of Agriculture.

[20] Ibid., footnote 28.

[21] Dr. R. J. Doll, Agricultural Economist, Federal Reserve Bank, Kansas City, Mo., address at the 1960 Convention of National Livestock Feeders Association. Dr. Doll elaborated as follows: "It also should be pointed out that these averages were relatively good ones because the relationships were maintained at fairly close to average rates for each change that occurred from one year to the next."

capita to U.S. supplies (consumption); whereas, in 1962, imports added 0.42 pound per person. Domestic production of lamb (excluding mutton) for 1957 was 3.71 pounds per capita (171 million population), compared to 3.34 pounds in 1962 (187 million population). Therefore, without imports, lamb supplies would have dropped 10 percent and there would have been a corresponding increase in the price paid to domestic producers. With the addition of imports, however, per capita supplies were about the same for both years, 3.72 pounds in 1957, and 3.76 pounds in 1962. This means, based on the Dr. Doll analysis, that imports were responsible for depressing prices paid to domestic producers by 10 percent (1 percent change in per capita supplies causes 1 percent inverse change in prices paid to farmers).[22]

Based on a 97-pound lamb (average for sheep and lambs slaughtered in 1962), and a price of $17.70 per hundredweight (price received by farmers in 1962), such price pressure would result in a drop of $1.77 per hundredweight, or $1.72 per head. To put this amount in proper perspective, most feeders consider a net profit margin of $1 per head a good return.

The downward pressure on domestic prices described here is for the meat only and does not include the very substantial pressure exerted by the imports of large quantities of wool. We shall not take the Commission's time at this hearing to discuss wool imports. This depressing factor has received wide attention and publicity, as has the overall plight of the U.S. sheep industry which has been, and is now, of serious concern to the U.S. Government.

C. The effect on swine producers

In 1952 (year prior to the initial large jump in pork imports), imports of pork stood at 71 million pounds (carcass weight). By 1962, they had climbed to 216 million pounds.[23]

During the post-World War II period, for each change in total supplies of pork of a magnitude to cause a 1 percent change in annual per capital consumption, there has been an average change in the opposite direction in farm hog prices of 2 percent.[24]

During the period 1952 to 1962, in which imports have continued to climb, per capita imports have gone from 0.45 pound (157 million population) to 1 pound (187 million population). During the same period, there has been a decrease of 15 percent in domestic production per capita (73.42 versus 62.57). With the additional supplies provided by imports, per capita supplies declined 14 percent. Thus, imports have been responsible for a 1 percent change on a per capita basis.

Based on the Dr. Doll analysis, this 1 percent has been responsible for a downward pressure of 2 percent on prices paid to farmers. Prices paid to farmers in 1962 averaged $16.30. Based on this figure, 2 percent would be $0.33 per hundredweight, or $0.78 per head (average weight of all hogs slaughtered in 1962 was 239 pounds).

VI. EFFECT OF CUTTING TARIFFS ON SECTION 32 FUNDS

Section 32 of Public Law 74–320 earmarked 30 per centum of the gross receipts from duties collected under the customs laws to be used by the Secretary of Agriculture to (1) encourage exports of agricultural commodities and products thereof; (2) encourage domestic consumption of such commodities and products; and (3) reestablish farmers' purchasing power.

Although this section has been amended a number of times, the purposes have remained basically as originally enacted. Section 32 funds have been used for a wide variety of expenditures, but the major use after amendments in the 1949 Agricultural Act (Public Law 81–439) has been as a flexible authority to prevent price collapses for non-price-supported crops, poultry, livestock products, and to shore up milk sales. With section 32 funds, the Secretary of Agriculture can move into a marketing area and pick off surpluses accumulating in that area, by market purchases, before price breaks occur. The foods are then donated to school lunch programs, the needy and welfare institutions.

The cutting of tariffs on imported products into the United States will, therefore, reduce the amount of funds available from this source.

[22] Calculated from figures in November 1963 issue of "Livestock and Meat Situation," U.S. Department of Agriculture, and Foreign Agricultural Service (USDA) breakdown on lamb and mutton.

[23] Ibid., footnote 21.

[24] Ibid., footnote 30.

SOCIAL MEANING OF ASSASSINATION OF PRESIDENT KENNEDY

Mr. DODD. Mr. President, the lead editorial in the December 5 edition of the Catholic Transcript, the official newspaper of the Archdiocese of Hartford, Conn., is a remarkable analysis of the meaning for our society of the assassination of President Kennedy.

It throws a searching light upon the life of Lee Harvey Oswald and the reflection which that life casts upon American society. It relates how Lee Harvey Oswald was at an early age found to be emotionally disturbed, and yet without being either helped or hindered, without being cared for or curbed, was allowed to sink deeper and deeper into a morass of despair, disorder, aggressive acts, rebellion, disloyalty, subversive affiliations, and who finally was allowed free access to a deadly weapon with which he murdered the President of the United States.

In the eyes of the Catholic Transcript, and to all thoughtful observers "this record adds up to a deadly indictment of our society."

I would like to quote the concluding lines of this editorial:

We both neglect and overindulge the young, not giving them the training they need while giving them limitless license which spares us looking after them as we should. We are indifferent about the proper treatment of the mentally and emotionally disturbed, refusing to appropriate sufficient funds to provide it on the massive scale now urgently required, and failing to see to it that our courts and other agencies dealing with the young are staffed with people cognizant of this acute problem and alert to the necessity of effective referral and therapy. We are indulgent to troublemakers, partly out of fear, partly out of a refusal to be firm in the performance of unpleasant duty, partly out of a vast indifference. We are embarrassed by the ancient virtue of patriotism, interpret freedom to cover a grave fault like repudiation of obligation and honor, and are too pusillanimous to exact respect of constituted authority. We do nothing to curb the virus of violence, actively communicated in print, in pictures, in the television programs carried into every living room, and any cretin, psychopath, or criminal can easily acquire instruments of murder.

The killing of the President of the United States is a judgment on us for our mental and moral disarray, for our abdication of critical intelligence, conscientiousness, courage to face and withstand evil. It is a warning of the fate awaiting our society and ourselves, literally or figuratively.

Mr. President, the assassination of President Kennedy is one of those rare events which shocks a society into a searching reevaluation of its shortcomings.

This editorial from the Catholic Transcript makes a valuable contribution to this reevaluation and, in order that it may receive as wide a circulation as possible, I ask that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOCIAL MEANING OF THE DEED

The assassination of President Kennedy already seems remote, so quickly do we accommodate ourselves to a radically changed condition and press on with the business of everyday living. We regret the dark deed, and hope that steps are taken to insure against its repetition. By the latter we mean no more than that President Johnson and his successors will be better guarded. The blame for the crime of November 22 we place solely on a young man fanatical or crazed; the extreme right is exculpated, as is the extreme left, and certainly all in between can in no way be blamed. As of so much else, we say, "It was just one of those things," worse than most of course, but, in the final analysis, freakish, unaccountable, and not to be morbidly dwelt upon.

Such an attitude is a shameful evasion. We should, we must, take a long look at the man who killed President Kennedy, and ask ourselves what he says of our society. He has escaped trial, but we are inescapably on trial.

He was a child of a broken family and home; his mother has been three times married, twice divorced. His lot was poverty, and this he bitterly resented, no doubt influenced by what appears to have been his mother's habit of seeing unfavorable circumstances as always someone else's fault. He was early identified as a youngster troubled and troublesome, as "potentially dangerous" and requiring detention and expert care. These he did not get, partly because his mother flatly refused to see anything wrong in him, partly because she and he moved about in a rootless sort of way. He was thereafter always difficult and in difficulties. Wherever he worked, his one connection with his fellow workers was in vexing and upsetting them. In the armed services, he was a rebel against order and twice had to be courtmartialed. Thus he was, unwittingly but definitely, proclaiming the disturbance within him and demanding aid. Unaided, he went on to more spectacular manifestations of derangement.

When he chose to defect to the Soviet Union, he was let go; when he chose to return, his citizenship was restored with incomparably greater ease and speed than characterize the normal citizen's normal dealings with the Government which such a citizen undeviatingly supports; indeed, the young man's fare home was handed to him. He became identified with a pro-Castro organization which in fact is to some serious degree doubtfully loyal to the United States, and with other young people who have been allowed, in the name of freedom, to demonstrate frantically on Government property and to express outrageous contempt of the Congress of the United States. He could and did obtain with the utmost ease a deadly weapon and, both immediately before and immediately after murdering the President of the United States was allowed to move as he liked, without sensible challenge or restraint, and, ultimately, without due protection.

This record adds up to a deadly indictment of our society. What it says is that irresponsibility and neglect chargeable to all of

us and habitual led directly to the destruction of the common, lawful leader of all of us. Symbolically, our society was, in this case, destroying itself, giving apocalyptic evidence of what we are doing piecemeal all along, of what our present course is inevitably leading to if not reversed.

We are complacent about divorce and its devastatingly effect on society and people, especially children. We both neglect and overindulge the young, not giving them the training they need while giving them limitless license which spares us looking after them as we should. We are indifferent about the proper treatment of the mentally and emotionally disturbed, refusing to appropriate sufficient funds to provide it on the massive scale now urgently required, and failing to see to it that our courts and other agencies dealing with the young are staffed with people cognizant of this acute problem and alert to the necessity of effective referral and therapy. We are indulgent to troublemakers, partly out of fear, partly out of a refusal to be firm in the performance of unpleasant duty, partly out of a vast indifference. We are embarrassed by the ancient virtue of patriotism, interpret freedom to cover a grave fault like repudiation of obligation and honor, and are too pusillanimous to exact respect of constituted authority. We do nothing to curb the virus of violence, actively communicated in print, in pictures, in the television programs carried into every living room, and any cretin, psychopath, or criminal can easily acquire instruments of murder.

The killing of the President of the United States is a judgment on us for our mental and moral disarray, for our abdication of critical intelligence, conscientiousness, courage to face and withstand evil. It is a warning of the fate awaiting our society and ourselves, literally or figuratively.

MAIL-ORDER GUNS

Mr. DODD. Mr. President, during the months of October and November, the Christian Science Monitor published a series of nine articles written by Josephine Ripley. They were designed to show the public the tragedies that result from the promiscuous sale of guns by mail order, as well as for the need for adequate control of their sale.

The articles were culminated by an editorial, which was an intelligent plea for new legislation to control the sales of mail-order guns. It was published on November 19. It was entitled "Murder by Mail Order," and it appeared only 3 days before President John F. Kennedy was cut down by bullets from a mail-order gun.

In its great public service tradition, the Monitor was seeking public support to eliminate an evil from our society. Mr. President, in the belief that the material in those articles will be helpful and informative to the public and to this body as gun legislation is being considered, I ask unanimous consent that they be printed in the RECORD, at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Nov. 19, 1963]

MURDER BY MAIL ORDER

Congress has been handed an antiweapon weapon with which to crack down on crime, crime made easy through the wide-open sale of mail-order handguns.

This weapon is in the form of a new bill introduced by Senator THOMAS J. DODD, Democrat, of Connecticut, and now before the Senate Commerce Committee.

The committee so far has taken no action on this legislation which would crack down on "murder by mail order," as it has been called, through an amendment to the Federal Firearms Act.

If passed and enforced, it would keep mail-order guns out of the hands of trigger-happy juveniles, criminals, mental defectives, and others who use the anonymity of this type of purchase as a means of obtaining firearms.

To the extent that these guns have contributed to the Nation's crime wave—and the Monitor's series of articles on mail-order guns has shown they have—enactment of the Dodd bill would be an important crime deterrent.

Not that guns are the only weapons used by the criminal, or that this bill pretends to offer a complete solution to the firearms problem.

But it would help by requiring all purchasers of mail-order guns to furnish a sworn affidavit as to age and criminal record, if any. It would also require firearms dealers and manufacturers to notify express companies in writing whenever these guns are being shipped in interstate commerce.

It is not a tough bill, probably not tough enough to suit many.

It does not attempt to point up the glaring inadequacy of many State and local laws over firearms or their lack of uniformity. It does not call for gun registration or for the fingerprinting of purchasers of guns.

It is minimum legislation, but it is realistic legislation, the only kind which stands any chance of passage. The Federal Firearms Act has been amended only once since its passage in 1939, so strong is the opposition to firearms controls.

The Dodd bill avoids this opposition by concentrating only on unscrupulous gun merchants. It would infringe in no way on the right of law-abiding citizens to possess firearms for purposes of defense or what is called sport.

It has the support of the National Rifle Association of America and other influential organizations, as well as law enforcement authorities across the Nation.

The legislation is deserving of—and needs—support, encouragement and a vigorous public push to spur Congress to action.

[From the Christian Science Monitor, Nov. 14, 1963]

CRIME TRIGGERED PROBE ON GUNS

(By Josephine Ripley)

Senator THOMAS J. DODD, Democrat, of Connecticut, who presided over mail-order gun crime investigations, recalls how it all began.

"It was the increase in the numbers of crimes of violence, particularly assaults with deadly weapons where guns were involved, as well as the mysterious changes in juvenile gang warfare, which first aroused my interest and prompted the investigation," he told this correspondent in an interview.

It was obvious to the Senator, chairman of the Senate Subcommittee on Juvenile Delinquency which conducted the probe, that "a new source was supplying weapons by the thousands to those who should not have them, to juveniles, and others who were using them in crimes."

SOURCE DISCOVERED

This source was soon discovered to be "the mail-order outlet which has mushroomed in the last 10 years. Mail-order gun dealers, now virtually uncontrolled because of loopholes in the present law, have been shipping untold millions of guns across State lines where they were delivered in violation of local regulations," he said.

Because the common carrier delivers the packaged weapon, frequently unmarked, directly to the purchaser, local police have no way of knowing how many guns are being received by whom until they show up in a crime.

The investigation into this traffic took more than 2 years. "We moved cautiously," Senator DODD said, "and had the support of many responsible groups and gun manufacturers. In particular, such organizations as the National Rifle Association and American manufacturers of arms have been a great help."

CAUSE FOR CONCERN

The subcommittee's chief cause for concern, however, was not the product of the American gun industry, "but cheap foreign imports, which were the ones finding their way into the mail-order gun trade."

Through this mail-order traffic, a complete arsenal of weapons, ranging in price from $5 to $20 is available to juveniles and to the underworld, the investigation disclosed.

"Complicating the matter for law enforcement officers are the unscrupulous dealers who have no concern for the use the guns are put to after they are sold," the Senator stated.

He recalls one such dealer who, when questioned about the sale of a gun to a juvenile who subsequently used it to kill his neighbor, commented that if he did not make the sale someone else would.

BILL INTRODUCED

These imported weapons are poorly designed and engineered, Senator DODD's subcommittee was informed by experts. The military surplus items which are purchased in Europe and sold here as scrap have been reworked to the point where they are even dangerous to discharge.

On August 2, 1963, when the investigation was finally completed, the Senator introduced a bill, S. 1975, which would amend the Federal Firearms Act to make it more difficult for juveniles, mental defectives, and other irresponsibles to come into the possession of firearms and which would provide traceable records on those who purchased them.

Emphasizing that "the subcommittee has never thought of tampering with the constitutional right of a free people to keep and bear arms," Senator DODD described the legislation as "intended primarily to bring an added measure of responsibility into mail-order transactions in handguns."

PROVISIONS LISTED

It would:

1. Prevent the shipment in interstate commerce and delivery by common carrier of mail-order handguns to juveniles under the age of 18 years.

2. Increase the Federal Firearms Act dealer's license fee from $1 to $10;

3. Require that an applicant for a Federal firearms dealer's license be 21 years or over (there is no age limitation under present law);

4. Provide for the marking of packages which contain handguns being shipped in interstate commerce to include number and type of weapon;

5. Provide that a purchaser of a mail-order handgun enclose a sworn affidavit with his purchase order to establish his bona fide age, felony convictions, etc.

PARENTS ON NOTICE

While Senator DODD says this proposal is not the entire solution to our firearms problems, he feels its requirements should halt the mail-order sale of handguns to juveniles and discourage the lurid gun advertisements in the pulp magazines, all aimed at the juvenile trade.

It will also put parents on notice that no juvenile can legally acquire a handgun through mail-order and express shipments.

With the enactment of the bill, the coupons signed and sent by juveniles to mail-order dealers would no longer be taken at face value. Express company employees will know what the packages contain, and will have to make sure that the persons who receive them are 15 years of age or more.

Senator DODD said the subcommittee has no intention or desire to deprive mature and responsible citizens of their right to purchase or possess firearms.

"Its objective is only to protect the public by providing some assurance that handguns are kept out of the hands of youngsters, the mentally ill, and criminals," he explained.

"I can think," he said, "of no group in America, and particularly the socially conscientious groups of gun makers and owners, who would argue otherwise."

As a matter of fact, the legislation was thoroughly discussed with the industry, as well as with the common carriers to whom it will give additional responsibilities.

"To the credit of them all," Senator DODD reported, "they have approved and endorsed the provisions of our proposal."

The Senate investigator said he feels the series of articles in the Christian Science Monitor has done a service in generating a heightened public interest which he hopes will prompt many to write to their Congressmen and to the Senate Committee on Commerce, which now has the bill under consideration, urging action.

[From the Christian Science Monitor, Nov. 12, 1963]

CHAOS IN GUN LAWS NOTED

(By Josephine Ripley, staff correspondent of the Christian Science Monitor)

The nationwide hodgepodge of laws with respect to the possession of handguns in the United States has contributed directly and substantially to the increase of crime in recent years.

This is the word of law-enforcement authorities from J. Edgar Hoover, Director of the Federal Bureau of Investigation, down to the policeman on the beat.

Urgent appeals for stronger, more effective, more uniform laws have been made to Congress by way of the Senate Subcommittee on Juvenile Delinquency during the course of its 2-year investigation, under the chairmanship of THOMAS J. DODD, Democrat, of Connecticut, into mail-order gun traffic.

SURVEY TAKEN

Sentiment for a strengthening of the Federal Firearms Act of 1939, which now does little more than establish procedures for licensing dealers in firearms, apparently is growing.

A Gallup poll in 1959 indicated that a preponderant majority of the adults surveyed around the country favored stricter regulations of handguns.

Testimony before the Dodd subcommittee disclosed the almost unlimited extent to which handguns are constantly being bootlegged from city to city and State to State, slipping easily through the inconsistencies in the laws.

INCONSISTENCY PUZZLING

This nationwide lack of uniformity in laws governing the purchase, sale, and possession of handguns, is hard to understand considering the crime problem with which the country is confronted.

In 41 States and the District of Columbia there are no license requirements for the purchase of firearms.

Only 21 States and the District of Columbia require dealers to obtain licenses to sell handguns at retail.

Only 7 States require a permit to purchase a gun. Seven States and the District of Columbia require a waiting period between purchase and delivery.

Only in New York State is a license required to possess a handgun. Only in Hawaii must guns be registered, and only in South Carolina is it against the law to sell a handgun.

These restrictions become largely ineffective, however, when a person can cross a border into another city or another State, buy the gun of his choice and return with it concealed in his pocket or where mail-order guns can be shipped in freely by common carrier.

One very vocal advocate for "stricter controls on handgun sales" is James V. Bennett, Director of the U.S. Bureau of Prisons.

"We already have controls on tobacco, alcohol, narcotics, poisons, and, of course, any food or drug that might be dangerous for human use," he points out.

"In my opinion, the traffic in handguns must also be similarly supervised."

EXERCISES IN FUTILITY

Legislation alone will not put an end to shootings, but many law-enforcement authorities believe that stronger Federal laws would help to curb these crimes and probably stimulate more effective local efforts, "which are now so largely exercises in futility," as Mr. Bennett put it.

Nor is it suggested that the right of individuals to purchase guns for defense, or use in sports, or for gun collections should be infringed.

Mr. Hoover points out that many communities already have local ordinances "which protect the rights of society without infringing on the rights of individuals who purchase guns for protection or legitimate recreation and pleasure."

LOCAL ACTION URGED

It is his feeling that the answer lies in local action. "No one blanket proposal or universal regulation will meet the needs and requirements of all communities," he has said.

But he has stated his conviction that "the spotlight of public attention should be focused on the easy accessibility of firearms and its influence on willful killings.

"Where local controls and regulations exist, they should be fully implemented. Where there are none, measures should be taken to protect the public's interest.

"Loss of human lives cannot be rationalized—certainly not until all possible preventive action has been exhausted," he declared in an unusually vigorous statement for the FBI chief, who generally confines himself to the subject of law enforcement, not lawmaking.

In New York, San Francisco, Philadelphia, and other cities where firearms are strictly regulated, high officials have urged the development of more uniform laws controlling the sale and possession of handguns.

New York Gov. Nelson A. Rockefeller, Police Commissioner Michael J. Murphy, and Mayor Robert F. Wagner have all spoken out.

Justice John E. Cone of the New York State Supreme Court, chairman of a committee to discourage sales of weapons to juveniles, put it this way:

"Certainly it is of no value if the weapons outlawed within the borders of this State or city are advertised in numerous magazines and then may be lawfully shipped from some other State to purchasers in New York."

[From the Christian Science Monitor, Nov. 9, 1963]

U.S. TRAILS MAJOR NATIONS IN CENTRAL CONTROL OF FIREARMS OWNERSHIP

(By Josephine Ripley)

An airing of the Nation's firearms laws during the course of the investigation of the Senate Subcommittee on Juvenile Delinquency produced evidence of their inadequacy to cope with the concealable weapons favored by today's hoodlums and gangs.

This country has fewer enforcible restrictions on the purchase and ownership of handguns than most other nations of the world, the subcommittee investigators were informed.

In Australia, the Irish Republic, Israel, Great Britain, and Sweden, it is necessary to have a license in order to buy a pistol or revolver. In Sweden, a person must show that he has a need for the weapon and knows how to handle it. Japan goes so far as to prohibit entirely the private ownership of handguns.

TWO FEDERAL LAWS

The United States, in contrast, has only two Federal laws governing firearms, both passed in the 1930's—following the lawless 1920's. There has been only one amendment since that time and it has proved ineffective in keeping concealable weapons out of the hands of criminals.

The first of these, the National Firearms Act, was passed in 1934. Its main purpose was the control of machineguns and sawed-off shotguns, the principal gangland weapons of that day.

Excluded from these restrictions were pistols, revolvers (a favored weapon of modern gangsters), weapons with barrel lengths over 18 inches (most rifles), and .22-caliber weapons with barrel lengths of 16 inches or more.

OTHER WEAPONS CHECKED

A reference to other weapons makes it possible to control weapons such as tear gas pen guns, which are capable of discharging a standard bullet, and other odd instruments such as umbrellas, which are sometimes designed for that purpose.

Weapons under this act must be registered with the Treasury Department.

Five years later, in 1939, the Federal Firearms Act was passed, its main purpose being to control the transfer of all firearms to certain designated groups, such as mental defectives or those formerly convicted of a crime of violence.

IRONIC ROLE FOLLOWED

This act requires that all manufacturers and dealers of any firearms shipped in interstate commerce must have licenses from the Federal Government.

(This provision, years later, was to play an ironic role in promoting the sale of "mail order guns.")

The 1939 law, among other things, required that dealers and manufacturers of weapons going interstate must maintain records as to the purchaser.

Both of these laws are enforced by the Alcohol and Tobacco Tax Division, Firearms Section of the Treasury Department.

CONTROL LIMITED

They have proved inadequate to control the new-type weapons to which criminals have turned today, mainly the concealable weapon, such as the pistol and revolver, according to the testimony of law-enforcement officials.

The Treasury's enforcement division, the subcommittee was informed, has control over pistols, revolvers, and most rifles only in a limited way under the Federal Firearms Act.

Thus there is no way accurately to check ownership of such weapons. The manufacturer, or dealer, must keep records of the original recipient, but after the first transfer (normally to a retailer) there are no further records maintained.

Also, the provision of the act which requires the recipient to show a license when State law requires a license is ineffective, Senate investigators were informed.

LOCAL LAWS IGNORED

State law as referred to in the act does not include city and county ordinances.

Therefore, only those States which have laws requiring a license to purchase a firearm are affected.

This means that cities and communities with strong firearms regulations are helpless to control the influx of weapons from other States or even from another county within the State.

Firearms imports are under the control of the State Department, through the Mutual Security Agency. This control is exercised in a limited manner. All that is required of the foreign dealer is that it is a bona fide transaction.

APPROVAL AUTOMATIC

If the weapons do not come under the National Firearms Act—that is, unless they are machineguns or sawed-off shotguns—the department approves the import.

This has opened the gates to millions of foreign-made guns of the mail order variety, many of which come in, disassembled, as parts of scrap to avoid the high tariff on guns as such.

The dealer license to trade in guns, required under the Federal Firearms Act, is only $1 and some mail order firms have stepped up sales by urging buyers to become dealers and go into business.

It has been estimated that of the 60,000 dealer licenses issued a year, 45,000 of them are not to bona fide dealers.

NO FINGERPRINTS TAKEN

The applicant is not fingerprinted or checked for criminal record. With such a license, the holder can avoid police clearance on each gun purchased in cities and States which require such clearance.

He can avoid being subject to arrest for transporting guns in his private car (since he is a dealer); he can purchase guns at wholesale, save on sales tax, and make bulk purchases.

That's a lot for a dollar, as one wily individual obviously recognized when he inserted this advertisement in Gun News: "For Sale—Guns, Buy Wholesale. Become a Dealer. Instructions $1."

Whoever responded was, of course, simply told to apply for a Federal license—for another dollar.

The bill introduced by Senator THOMAS J. DODD, Democrat, of Connecticut, would increase this fee to $10 and thus discourage this kind of thing. It would also call for a sworn affidavit that any purchaser of a mail order handgun is of age, eliminating juveniles from these fake dealerships.

[From the Christian Science Monitor, Nov. 7, 1963]

RIFLE GROUP BACKS MAIL-GUN CURBS

(By Josephine Ripley)

Any proposal for tightening controls over firearms is critically and thoughtfully scrutinized by the National Rifle Association of America (NRA).

The association's role is that of a defender of law and order and of the constitutional right of American citizens to bear arms.

It has a shooter-sportsman membership of more than half a million persons and represents more than 11,000 affiliated clubs and associations.

It is a formidable opponent to any legislation which would impose restrictions on firearms dealers, sportsmen, or other reputable persons who wish to possess arms.

But when it comes to curbing the virtually unrestricted sale of mail-order guns, the association goes along with the Senate Subcommittee on Juvenile Delinquency.

"The association agrees that steps must be taken to curtail the traffic of mail-order guns into unauthorized hands," asserts Franklin L. Orth, executive vice president of the association.

This does not mean that the NRA has changed its policy or softened its long-time stand against punishing the gun instead of the criminals, as it is often put.

It is still opposed to proposals which it feels amount only to enacting another gun law, or putting more teeth into existing laws, and is highly critical of New York's tough Sullivan law.

EXCEPTION MADE

But it makes an exception in the case of mail-order guns on which it looks with disdain. "For the most part," says Mr. Orth, "this traffic involves the relatively inexpensive imported pistols and revolvers that are advertised in many cheap pulp magazines throughout the country."

The NRA has conducted product evaluation studies on many of these handguns and found them to be largely worthless for sporting purposes.

Frank G. Daniel, secretary of the association, said in an interview that "they are not good for anything except to get someone in trouble."

The National Rifleman, official journal of the association, refuses to accept their advertising. In a strong editorial on mail-order guns several months ago, it referred to them as "junk guns."

The NRA is obviously concerned lest the bad name of these guns and the juvenile crime to which they have contributed reflect on the American industry and create a public demand for more gun laws.

ENFORCEMENT URGED

"Many reputable firearms dealers of good repute based on a history of adherence to existing laws on all levels, could suffer financial disaster if the tide of public opinion is turned in the direction of all-encompassing legislation," said Mr. Orth in an appearance before the Senate investigators.

Instead of more laws, why take it out on the gun, is his attitude.

After establishing its traditional stance, the association which worked closely with the subcommittee on plugging the mail-order loopholes, agreed to proposals embodied in the bill of Senator THOMAS J. DODD, Democrat of Connecticut, which would:

Prevent the shipment in interstate commerce and delivery by common carrier of mail-order handguns to juveniles under the age of 18 years;

Increase the Federal Firearms Act dealer's license fee from $1 to $10 in an effort to eliminate the fly-by-night dealers, the unscrupulous, and juveniles from the firearms traffic;

Provide that firearms dealers and manufacturers give written notice to common carriers of handguns being transported in interstate commerce;

Provide that the purchaser of a mail-order handgun enclose a sworn affidavit with his purchase order to establish his bona fide age, felony convictions, or criminal records.

SOLUTION INCOMPLETE

Senator DODD admits "this is not the entire solution to our firearms problem. But its requirements should halt the mail-order sales of handguns to juveniles."

As the Rifleman editorial put it: "Steps must be taken to stop the traffic of mail-order guns into unauthorized hands. At the same time, due caution must be exercised so that law-abiding citizens are not severely penalized or deprived of their individual rights. * * * It is reassuring that proposed solutions to this particular situation are being directed at irresponsible merchants and purchasers."

[From the Christian Science Monitor, Nov. 5, 1963]

MAIL-ORDER GUNS SLIP THROUGH LAWS

(By Josephine Ripley)

The mail-order handgun came on the American scene like a mysterious thief in the night.

It began making its appearance on the streets around 1958. This is the story of of how it came to the attention of the police in Pittsburgh.

"While an inspector of police in charge of a district station house, I was traveling down a main thoroughfare in my city when I saw a man with a gun in his hands," Assistant Superintendent William J. Gilmore told Senator THOMAS J. DODD, Democrat, of Connecticut, Chairman of the Subcommittee on Juvenile Delinquency.

"A few seconds later I heard shots being fired. I alighted from the automobile and placed him under arrest. He stated to me that he was only firing at rodents behind a display advertising board."

NO QUESTIONS ASKED

"After questioning him as to where he obtained this gun, he stated he had seen an advertisement in a printed periodical; that he had forwarded a money order. * * * A short period of time later he received the gun without answering any questions or furnishing further information.

"This man, prior to this incident, was under investigation for armed robbery but was released because of lack of evidence. Since that incident, he was arrested on various other charges.

"It was not until 1960, when I was promoted to assistant superintendent of police, that I received information as to how these guns were arriving in the city of Pittsburgh and the names of individuals to whom they were being forwarded."

Pittsburgh Police Superintendent James W. Slusser testified that "the problem of mail-order handguns being shipped into the city of Pittsburgh has been of serious concern to the Bureau of Police for the past several years."

BUYER CHECKED

The State of Pennsylvania operates under the Uniform Firearms Act which requires that when a handgun is purchased within the State, copies of the purchasing agreement are forwarded to the State and local police.

The gun is then held for a period of time before being delivered to the purchaser, thus allowing the police agency time to ascertain identity of the purchaser and whether he is competent to possess guns.

The mail-order shipment of guns into Pennsylvania "takes away this legislated safeguard and delivers handguns to individuals who should not own them," the superintendent told the subcommittee.

LACK OF CONTROL CITED

It was not until 1960 that the police were able to develop a source of information and compile at least a partial list of handguns shipped into Pittsburgh by out-of-State dealers.

From Sgt. Kenneth Carpenter and Sgt. George Carr of the Los Angeles Police Department, Senate investigators heard a fantastic story of California's mail-order gun business. The State is a center from which some of the most notorious dealers in the country operate.

"Our investigation has disclosed the mail-order traffic in concealable weapons from the Los Angeles area is virtually uncontrolled," the report stated.

Existing laws prohibiting the sale of concealable firearms within the States are cunningly circumvented "by unscrupulous dealers who operate in a manner which respects neither business ethics nor public safety," according to the police.

Sergeant Carpenter cited the case of dealer A. This dealer fills California mail orders by way of Phoenix, Ariz., to get around California laws.

OPERATION OUTLINED

It works this way, the Senate investigators were told: Dealer A, on receipt of a mail

order from a California resident, will enclose a form letter advising this purchaser that, "since California State law prohibits the mail-order sale of concealable weapons, the purchase order has been forwarded to dealer A's out-of-State store in Phoenix for handling."

"What dealer A has really done is to ship the gun order in Los Angeles to his out-of-State mail drop, have it rewrapped and shipped back into California to the customer via Railway Express. In this way, dealer A is able to circumvent the California State laws covering the sale of mail-order firearms," stated the police sergeant.

VARIOUS NAMES USED

Mail drops are maintained by many dealers within the city, as well as outside of the State. They are used, it was explained, by "nefarious dealers as a shield from dissatisfied customers who wish to make in-person complaints."

The mail drop is not an office, but only a place to which mail orders are delivered and at which the dealer picks them up.

One dealer may have several mail drops using different names at each one. "A customer, once billed, may unknowingly respond to later magazine ads placed by a company that previously cheated him," explained Sergeant Carpenter.

He added that a "dealer himself admitted that the sale of most commodities and particularly firearms through the mail-order business was immoral, unethical, and that laws should be passed to prevent this sort of activity."

[From the Christian Science Monitor, Nov. 2, 1963]

GUN IMPORTS SLIP PAST TARIFF BARS

(By Josephine Ripley)

The alarming rate at which the United States is being flooded with cheap, foreign-made guns was one of the startling discoveries of the Senate Subcommittee on Juvenile Delinquency in its investigation of juvenile crime.

More than 5 million of these imports—and possibly as many as 7 million—have come into this country during the past 5 years, according to the estimate of Senator THOMAS J. DODD, Democrat, of Connecticut, subcommittee chairman.

These have become known as mail-order guns because they are sold largely by mail-order dealers. They are inexpensive, advertised extensively in the pulp magazines, and can be ordered easily by mail and delivered almost anywhere to anyone by express, no questions asked.

LEGISLATION URGED

They have come into the hands of thousands of juveniles, adding tragically to the Nation's rapidly rising rate of crime.

Senator DODD is hopeful that Congress will put an end to this murder by mail order, as he has called it, by passing his bill which would stop this free-for-all type of gun sale.

The manner in which these guns have been reaching the United States was one of the sensational disclosures of his investigation.

While most of the dealers handling these guns are probably reputable men, some were reported to have highly questionable backgrounds.

And the guns themselves are barely within the law, being imported by devious means to avoid the normal gun tariff.

To do this, foreign exporters dissassemble the weapons and ship them into the United States as scrap or machine parts, at a fraction of the tariff which is imposed on a complete weapon.

CONVERTIBLE GUNS

Another gimmick is the starter pistol. If all the starter pistols which are imported today were in races or athletic events as intended, the country would be one big sports arena.

Starter (or blank) pistols come in at a duty of about 12 percent compared to 52 percent on firearms.

But they can be converted into shooting guns ready for real ammunition within a matter of minutes.

They are the hottest items in the mail-order gun business today. Some are even shipped with the separate gun barrel, bored for a real cartridge, ready to be inserted in seconds in place of the original barrel.

These guns are imported so cheaply they sell for as little as $6.95. They are small, light, usually have an imitation pearl handle. They could fit easily into a woman's handbag, and are indeed favored by women, the subcommittee was told.

LAWS BYPASSED

Last year in Brooklyn, N.Y., a 14-year-old girl was accidentally shot by her 17-year-old brother who was playing with just such a gun in their home.

Police investigation into the shooting led to the discovery of a do-it-yourself gunsmith who was bypassing New York State's tough gun laws by ordering the guns by mail from out of State at $5.80 each, converting them to take .22 caliber cartridges, selling them to a confederate for $15, who in turn, peddled them to youth gangs for $20.

"We feel this and other cases vividly emphasize the need for Federal action to restrict the ease with which such potential firearms can be imported in this country at nominal cost," said Deputy Commissioner Lawrence W. Pierce of the New York Police Department in strong statement to Senate investigators.

EUROPEAN IMPORTS

These pistols are imported mainly from West Germany which, along with Italy, provides most of the imports which find their way into the mail-order market in the United States.

War-surplus guns are another source of cheap imports. These are reconditioned and sold at ridiculously low prices in comparison with those paid by dealers in domestic weapons.

Many of them are guns of American manufacture supplied to Great Britain and other Allies during the war.

Smith & Wesson, manufacturer of guns for the U.S. Government, estimates that some 2 million of these American-made guns have found their way back into this country where they are being rebored, converted to popular calibers and sold at cut-rate prices.

GUNS CALLED UNSAFE

"Such guns are, of course, unsafe," said the manufacturer in a letter to Sgt. Kenneth Carpenter, an investigator for the Los Angeles Police Department, "and a detriment to our reputation, since they carry our original trademark."

There is no question in the minds of Senate investigators or the police that mail-order guns have contributed substantially to the tremendous rise in the Nation's crime rate.

The extent to which they have done so can only be estimated but, as Sergeant Carpenter put it, "We do know that the influx of concealable weapons is rising at a time when crime is increasing five times faster than the population.

"In addition, we have no way of knowing how many of these weapons are being collected to form the secret arsenal of some subversive or revolutionary group."

New York's Mr. Pierce reported that a survey in New York City over a 2-year period, 1960 and 1962, showed that firearms, particularly handguns, were used in 70 percent of the arrests of persons under 21 years of age in which dangerous weapons, felonious assault, robbery, and homicide were involved.

During that same period, one out of every four victims in youth-gang killings was killed by a handgun, he said.

[From the Christian Science Monitor, Oct. 31, 1963]

MAIL GUNS BLAST ROAD TO CRIME

(By Josephine Ripley)

There are few grimly amusing incidents in the grim story of mail-order-gun-toting juveniles.

But this one illustrates the ease and legality with which guns may be purchased by teenagers today.

A 13-year-old San Francisco boy, with the consent of his parents, ordered by mail for $9.95 what he thought was a model of a Soviet bazooka.

He wanted it to add to his plane collection, and from the advertisement he was sure this would be just like the real thing.

It finally arrived in a 4-foot crate with a $22.60 freight bill. It was, indeed, the real thing.

EASY TO OBTAIN

The boy's parents refused to pay the freight bill. The company said "keep it." And it was eventually turned over to the police.

Another youngster who purchased a mail-order bazooka took it out in the countryside and began shooting transformers off utility posts. The repair bill came to several thousand dollars.

These are exceptions to the tragic run-of-the-mill gun stories, as disclosed in the investigation of the Senate Subcommittee on Juvenile Delinquency.

The freedom with which guns may be purchased in many States, not only by mail order but over the counter by criminals and the mentally disturbed, has paved the way for crime after crime.

A man who went to the gallows in Iowa for kidnaping shot and killed his victim with an automatic bought openly in a sporting goods store in a Milwaukee suburb.

This man had a long record of crime and delinquency at the time he made this purchase.

INTO THE PAWNSHOP

An ex-convict who ran out of money in Las Vegas bought a .22 caliber revolver in a local pawnshop and robbed a bank the next day.

A 19-year-old youth who escaped from a mental institution in the State of Washington, drew some savings from a bank in Seattle, bought a .38 caliber automatic pistol in a Portland, Oreg., pawnshop, shot and killed a traveling businessman.

He used the same gun to bludgeon a student nurse.

Another man, released from the Nebraska State Prison traded his wristwatch 3 days later for a 9 mm. automatic Luger and clip of shells in a Casper, Wyo., pawnshop.

He kidnaped a car salesman, forcing him at gunpoint to go on a wild ride through several Western States.

These are case histories in the U.S. Bureau of Prisons.

"All of these young men, although they had serious records of imprisonment and mental illness, had no trouble buying guns at a moment's notice," comments Prison Director James V. Bennett.

In Fairfax County, Va., not long ago a 17-year-old boy walked into a gun shop, said he was 23, gave a fictitious name and address, paid $65 for a gun, and walked out with the weapon.

The gun was used to kill another youth some months later.

The purchase of this gun was a legal transaction. Under the law in Fairfax County no registration of weapons is required. The only requirement is that the seller be satisfied that the buyer is at least 18.

A few miles away, in the District of Columbia, a person must be at least 21 and of good moral character to buy a gun. He must have a police check of his application and cannot buy a gun if he has been convicted of any crime down to and including petty larceny.

LAW CIRCUMVENTED

Strict as the District of Columbia law is, it can be easily circumvented by anyone who buys a gun in Fairfax County, slips it into his pocket, and enters the District of Columbia. Also guns may be ordered by mail from outside the District and delivered by express.

In the District of Columbia, it was found that out of about 200 recipients of mail-order weapons, 25 percent had criminal records.

"The highest incidences of mail-order gun deliveries are in those police precincts of the city which are high crime areas," Senator THOMAS J. DODD reported.

In New York City, despite the fact that State legislation regulating the sale and possession of firearms is among the most stringent in the country, police report the amount of weapons found in the illegal possession of persons in the city is shocking.

Of most concern, say police authorities there, are the illegal weapons which come from out of State, either by direct over-the-counter purchase or mail-order sales.

"Guns play a tremendous and increasing role in the overall crime picture of this country," Senate investigators have been told repeatedly by police and prison officials.

[From the Christian Science Monitor, Oct. 29, 1963]

SENATE EXHIBITS MAIL-ORDER GUN CACHE—SHOWCASE OF NATIONAL SCANDAL COLLECTED IN DELINQUENCY PROBE

(By Josephine Ripley)

WASHINGTON.—Even the U.S. Senate has a gun cache.

These firearms are stashed away in filing cabinets in a second-floor room in the Senate Office Building, or openly exhibited on enormous squares of heavy cardboard where they are mounted, like venomous insects.

These are the weapons collected by the Senate subcommittee to investigate juvenile delinquency during the course of its 2-year probe into the highly questionable traffic in mail-order guns.

Thousands of the Nation's youth have been armed—many of them secretly without the knowledge of parents or police—by guns ordered by mail and delivered by express.

This gun collection now in the possession of the Senate is not a pretty one.

SCANDAL SEEN

It represents a national scandal of growing proportions, according to subcommittee chairman, Senator THOMAS J. DODD, Democrat, of Connecticut.

These guns have been used by juveniles to hold up banks, gas stations, kill policemen, murder chums and even members of their own family.

They are easily obtainable. All a youngster has to do is pay his money, either down or cash on delivery, fill in a form saying he is 21 or over, has not been convicted of a crime, is not a fugitive from justice, or an alien.

These statements do not have to be made under oath, are not verified in any way.

So guns—real guns—come into the hands of teen-age cowboys, youthful criminals, the mentally confused, the careless, and inexperienced.

MORE GUNS REPORTED

Police in many parts of the country report there are "more guns on the street today than ever before."

"Three policemen are shot to death each month, on the average, by persons they are trying to arrest," says James V. Bennett, director of the U.S. Bureau of Prisons.

It was the rising rate of juvenile crime that brought the Senate investigating subcommittee into the picture.

How do juveniles find out about mail-order guns? Where do they get them?

These were the questions investigators asked themselves. They found the answer in cheap, sex-and-sensation pulp magazines.

Here they found advertisements such as these:

"Enfield Commando revolvers—the handgun bargain of all time. Genuine ordnance-built, time tested, Enfield Commando revolvers at less than the price of a BB gun—or even pop-gun. Carried in World War II by the illustrious battle-worn commandos. So dependable it fires double action. Only $14.95."

"Webley & Scott MK VI revolvers—the ultimate Webley & Scott revolver—the biggest bore for the least cash ever. The Tommy's World War II favorite sidearm—so potent it was almost barred by the Geneva Convention. Dependability at its best and plenty of ammo in stock. Only $14.95."

"Colt new service revolvers—back again at the lowest price ever. The pride of the Royal Mounted Police, yours at a token price. The revolver that made the most desperate desperado cringe with fear. Only $35.95."

AD EXAMINED

An advertisement in a Los Angles newspaper:

"Submachinegun for Father's Day?"

There is more to this advertisement than meets a quick glance. Since it is illegal to ship out submachine guns, this one is described as a "collector's item." The advertisement also states that "bores (are) plugged in accordance with Federal law covering deactivated machineguns. * * *"

However, it adds that the gun "can be easily disassembled and assembled for study of all design features."

The Senate subcommittee staff obtained one of these guns and found it could indeed be "disassembled and assembled." It took only 2 minues to knock out a small plug about the size of a fingertip, making the gun capable of firing a .45 caliber shell, and fully automatic.

"A limited quantity of brandnew, hard-to-get, U.S.-made machineguns now available. * * * For mail orders, send check, cash, or money order, $49.95. ($10 deposit for c.o.d., California residents add 4-percent State tax.)"

Another company in Hollywood, Calif., had this advertisement in a number of pulp magazines:

"Reach—for greater protection."

"A genuine Enfield revolver * * * designed for quick draw. The ideal weapons for the plainclothes detective or for personal protection * * * send only $10 desposit—balance c.o.d. $19.50."

While most of these guns are advertised for sport or recreation, experts told the Senate subcommittee that these guns are "useless" for such occupations and "serve no purpose other than to kill, maim, or injure."

WEAPONS IMPORTED

Reputable gun dealers do not engage in this cheap, exotic type of advertising, according to Lt. Manuel Pena, of the Los Angeles Police Department.

Nor do legitimate firms make a principal business of the importation of junk guns from foreign countries. They deal with American standard conventional weapons mainly. They also keep records in accordance with local, Federal, and State laws, and cooperate with the police.

As a matter of policy, the National Rifle Association's official publication, "The American Rifleman," refused to carry advertising for the cheap, foreign-type guns.

[From the Christian Science Monitor, Oct. 26, 1963]

GUN TRAFFIC—VIOLENCE MARKETED

(By Josephine Ripley)

A small, easily concealable pistol or revolver may be purchased today almost as easily as a tube of toothpaste, so lax, ineffective, and all too often utterly lacking are laws governing the sale and purchase of these weapons.

The traffic in mail-order guns, in particular—guns ordered by mail and delivered by express—is virtually uncontrolled since it circumvents postal laws which prohibit such merchandise in the mails.

These guns are known to be pouring into racial trouble spots in the United States. A Birmingham official recently warned that extremists on both sides have been arming themselves.

Checking into this report, the Senate Subcommittee on Juvenile Delinquency discovered that 180 shipments of firearms were delivered by express to 77 cities in Alabama over a 2-month period this summer.

The largest number went to Birmingham and the biggest percentage of these guns were delivered in the areas where the racial troubles have flared, the subcommittee staff was informed.

ACTION NOT TAKEN

The subcommittee completed a 2-year investigation into the mail-order gun traffic early this year, following which Chairman THOMAS J. DODD, Democrat, of Connecticut, introduced a bill to curb the delivery of these guns and tighten Federal firearms laws.

No action has been taken on the measure, now in the hands of the Senate Interstate and Foreign Commerce Committee.

According to J. Edgar Hoover, Director of the Federal Bureau of Investigation, "the easy accessibility of firearms" has contributed significantly to the Nation's crime problem.

Amazing to many, realized by comparatively few, is the fact that in many cities any adult—be he even a criminal, or mentally ill—can buy a gun over the counter in a sporting goods store or a pawnshop, no questions asked.

Even more shocking is the ease with which children may buy guns today. Any child who has $5 in his piggy bank and can scrawl his name and falsify his age on a mail-order form can obtain a gun.

Thousands do, as police records show. Guns are lethal "toys."

WHOLESALE WAR FOR SALE

The traffic in guns today has become so overwhelming and uncontrolled that some of the big, unscrupulous cutrate dealers could "sell you a war, wholesale," as someone has put it.

The appalling fact is that they can do it legally.

One dealer, who operates a multimillion-dollar business in weapons and has often been under investigation by various departments of the Government, insists, "I have never done anything illegitimate and I don't intend to."

FBI Director Hoover calls the questionable traffic in deadly weapons in many sections of our country a disgrace.

It has contributed substantially, FBI records show, to the thousands of murders committed annually in the United States today.

In 18 States which have "bare minimum control laws over firearms, 65 percent of the murders were committed with guns," Mr. Hoover reported in a special message to law enforcement officials.

Guns play "a tremendous and increasing role in the overall crime picture in this country," says James V. Bennett, Director of the U.S. Bureau of Prisons.

He cites case after case in which young men with prison records as well as mental defectives have had no trouble buying a gun at a moment's notice.

"Anyone," he has testified, "can buy a gun in this country, almost anywhere. All that one needs is the price."

Nor is price a problem. Mail-order guns are cheap. Almost anyone can scrape up the $5 or $10 necessary to buy one.

They bypass the postal laws which ban guns by using common carriers, express that is, as a means of delivery. Thus, they can be ordered by almost anyone, delivered anywhere.

One mail-order gun dealer, when asked to estimate the number of guns sold by this means every year, refused to commit himself. He admitted, however, that sales of one type gun alone, the Webley revolver, were in the millions.

They are among the most dangerous weapons in the country, not because they are big, but because they are small—concealable.

The problem distributors are not the reputable brand name houses with which the Federal Government has no quarrel, but certain military-surplus dealers who now manufacture parts abroad, bring them in at minimum cost as machine parts or scrap, and assemble them here under their own trademark.

Most of these come from Italy and West Germany at the rate of a million a year, it has been estimated.

Some are small as toys, but spit a .22-caliber bullet. Many a policeman fighting crime in the streets has been felled by them.

"Every other kid has a gun," muttered one District of Columbia policeman privately. He had just made four separate arrests on the same street corner. All four carried mail-order guns.

These guns are widely, luridly, and openly advertised and pictured in pulp and sporting magazines.

Those who sell them have no moral scruples. A Los Angeles dealer, when told by Senate investigators that an 18-year-old boy in Fairfax, Va., had accidentally killed a 14-year-old companion with a gun purchased from his California firm, shrugged:

"I didn't break the law, did I? If they've got the money, I sell the gun. I'm not responsible for what they do with it."

BPW SUPPORTS SENATOR NEUBERGER, SEEKS LIBERALIZATION OF CHILD CARE DEDUCTION

Mrs. NEUBERGER. Mr. President, I am indeed pleased by the strong and active support the National Federation of Business and Professional Women's Clubs, Inc., has given to my amendment No. 209 to the pending tax bill, H.R. 8363, which would liberalize the child care tax deduction in line with the recommendations made by the late President Kennedy and the President's Commission on the Status of Women.

In a strong, forthright, able statement Miss Virginia R. Allan, president of the National Federation of Business and Professional Women's Clubs, testified before the Senate Finance Committee in support of my amendment.

As Miss Allan states:

The present House bill is highly unrealistic. The joint husband-wife limitation is so low as to exclude most married couples from the benefits of the bill.

It is a truism, as Miss Allan points out:

Child care is hardly a luxury item. Nearly 3 million mothers of children under 6 are employed, even though there is a husband in the family. Most of them work because they must—to make ends meet. In order to do their jobs efficiently these mothers need the assurance that their children are properly cared for during working hours. The Nation, too, needs the assurance that children of working mothers are not left to shift for themselve or roam the streets while their parents work. We can have such assurance if we are willing to open the way for their care by providing tax relief to their parents. To the business and professional women in our organization this seems like good business—an investment in the future.

Mr. President, the Business and Profesional Women's Clubs have over 170,000 members nationally, with 3,567 clubs in every State of the Union and in every congressional district. It is my earnest hope that Congress will carefully consider Miss Allan's statement and take to heart her recommendation.

Mr. President, I ask unanimous consent to include at this point in my remarks the testimony by Miss Virginia R. Allan, president of the National Federation of Business and Professional Women's Clubs, Inc., before the Senate Finance Committee, December 6, 1963.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mr. Chairman and members of the committee, I am Virginia R. Allan, president of the National Federation of Business and Professional Women's Clubs, Inc., the largest organization in the world dedicated to the interests of women in business and the professions.

I wish to thank you and members of your committee most sincerely for this opportunity to present the views of our federation members, many of them working mothers, and to assure you of their support of the amendments to H.R. 8363 which Senator NEUBERGER has introduced.

The federation finds that the tax deduction allowance now provided under the law falls far short of achieving its objective—to give real tax relief to those who need it most.

Nor does H.R. 8363, as passed by the House, meet the needs of most working married couples. The $4,500 income limitation for married couples, adopted in 1954 is retained, as is the $600 limitation on deductions. This, in spite of the fact that incomes and the cost of living have advanced considerably since 1954. In that year, the median income of families where both husband and wife were in the labor force was approximately $5,336; by 1961 it had risen to $7,188. Surely it is obvious, in the light of these data, that the present House bill is highly unrealistic. The joint husband-wife limitation is so low as to exclude most married couples from the benefits of the bill.

The current tax law recognizes the need for tax deductions for many expenses essential to employment. Certainly the cost of child care while a mother works is such an expense and the relief provided should be adequate to meet the need.

We were pleased to note that the House increased the allowable deduction to $900 for two or more dependents for widows, widowers, and single women but we protest the exclusion of married women from this provision. There seems to be little logic in increasing benefits for some categories but not for all.

The amendments suggested by Senator NEUBERGER would correct the inequities and bring the bill more nearly into line with today's needs. For this reason the federation gives it our wholehearted support.

Child care is hardly a luxury item. Nearly 3 million mothers of children under six are employed, even though there is a husband in the family. Most of them work because they must—to make ends meet. In order to do their jobs efficiently these mothers need the assurance that their children are properly cared for during working hours. The Nation, too, needs the assurance that children of working mothers are not left to shift for themselves or roam the streets while their parents work. We can have such assurance if we are willing to open the way for their care by providing tax relief to their parents. To the business and professional women in our organization this seems like good business—an investment in the future.

SENATOR KEFAUVER

Mrs. NEUBERGER. Mr. President, I ask unanimous consent to have included in the RECORD a letter published in the Washington Post on November 25, 1963, concerning the late Senator Kefauver's stockholdings in drug companies. The letter is by John M. Blair, chief economist of the Senate Subcommittee on Antitrust and Monopoly. It is in the form of a reply to an article by Mr. Philip Meyer, of the Knight newspapers, which appeared on November 10 in the Washington Post. The article contended that Senator Kefauver's ownership of drug stocks "cast a shadow on the respected Senator's career."

The letter shows that the Senator owned stock in only two firms which are properly regarded as drug companies; one of the holdings was purchased 6 months after the Kefauver-Harris drug bill was passed. The letter goes on to demonstrate that, far from favoring these two companies, Senator Kefauver's investigative fervor fell with greater force on these particular concerns than on any of the major drug companies. Any assertions or implication that the Senator in any way favored the companies whose stock he owned is thus shown to be completely without foundation.

I also wish to call the attention of this body to an editorial appearing in the Washington Post on November 24. The editorial urges that the pending Kefauver-inspired investigation of drug industry practices in South America go forward. The Washington Post exhibits its concern over the allegation by the head of the world's largest wholesale drug firm that "concerted and malicious practices" have been engaged in to prevent his company from selling low-price drugs in South America. The Post is similarly concerned with the evidence which has developed concerning the possible existence of an international price-fixing cartel in drugs. The editorial says in part:

Last summer the board chairman of McKesson & Robbins, the world's largest wholesaler of drugs, charged that several American pharmaceutical manufacturers were engaging in "concerted and malicious practices" in an effort to prevent his company from marketing low-cost drugs in Latin America under generic labels. The late Senator Estes Kefauver, before whose Antitrust and Monopoly Subcommittee the complaint was lodged, proposed to ascertain the validity of these charges by subpenaing the relevant records. But a division of opinion within the subcommittee has delayed action.

To permit doubts to linger on this score can only play into the hands of the enemies of the United States on the Latin American continent who never fail to inflate and exploit issues that can be manipulated to sustain the

charge of "imperialist exploitation." And a failure to investigate would also create further uncertainty in an area where the applicability of the antitrust has never been very clear.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KEFAUVER'S MEMORY UNTARNISHED

I find it difficult to discern in Philip Meyer's article concerning Senator Kefauver's drug stock holdings any factual basis for his charge that their ownership "casts a shadow on the respected Senator's career."

Mr. Meyer notes that in a speech of August 2, 1962, Senator Kefauver, who the day earlier had acquired 75 shares of American Home Products, "denounced four of that firm's competitors * * * in which he had no interest."

The speech of August 2 was simply a brief plea, given in the morning hour when Senators are limited to short speeches, for the Senate leadership to bring up the drug bill for action on the floor. In a speech lasting about 3 minutes, American Home was among the many matters which the Senator did not discuss.

Moreover, the immediate occasion of the plea was President Kennedy's reference on the previous day to the shattering tragedy of thalidomide. To make the point that thalidomide was not alone, the Senator cited examples of other drugs with particularly dangerous side effects, none of which is a product of American Home for the simple reason that American Home has not put out any drugs of this type.

If Senator Kefauver's omission of American Home from his August 2 speech is understandable, the same cannot be said of Mr. Meyer's failure to make reference to the Senator's speech of August 23. In this, the Senator's major speech on behalf of his drug bill, he excoriated the drug industry in general and, among others, American Home and Pfizer in particular. He specifically noted that American Home's profits had been sufficient to repay its entire net worth in just a few years and that its gross profit margin exceeded that of any of a representative list of leading corporations in other industries.

In referring to the Senator's stockownership, Mr. Meyer uses the artfully contrived term "six drugmaking companies."

To clear away some of the underbrush, three of the companies cited by Mr. Meyer—Monsanto, Commercial Solvents, and Rexall—are not among the major prescription drug companies and were not subjects of the investigation by the Subcommittee on Antitrust and Monopoly of which Senator Kefauver was chairman. The first two are primarily chemical firms which, as a minor part of their operations, supply some materials to the drug companies. Although owning a small drug-producing subsidiary, the third is primarily engaged in distributon. To the question of what effect they might have had on Senator Kefauver's conduct of the drug investigation, these holdings are simply irrelevant.

The same observation is true of Olin Mathieson whose drug division, Squibb, has a long-established name but is not a leading producer of any of the major classes of prescription drugs and accordingly did not figure in the subcommittee's hearings.

This leaves American Home Products and Chas. Pfizer, in which the Senator's holdings (75 shares of the former and 100 shares of the latter) have a combined current market value of $9,713. It is ironic that these two companies have been more directly and adversely affected by the drug investigation than any of the other major drug companies.

Basing its action in part upon evidence developed by the subcommittee, the Department of Justice brought an antitrust suit against the patent owner, Carter Products, and its exclusive licensee, American Home Products, for restricting trade in meprobamate, more familiarly known as Miltown (Carter) and Equanil (American Home). The Department was successful in securing a consent decree under which the exclusive control by Carter and American Home was ended, licensing of other drug companies was required, and today the product is available to druggists at 2.5 to 3.5 cents a pill as compared to Carter and American Home's previous price of 6.5 cents. During the hearings it was demonstrated that profits from meprobamate exerted a clear and direct influence upon American Home's overall profit position.

Senator Kefauver's investigation had a similar adverse effect on Pfizer, whose stock he purchased on May 16 of this year—6 months after the Kefauver-Harris drug bill was passed. On the day of the Senator's death the Federal Trade Commission issued a finding that Pfizer's patent on the important antibiotic, tetracycline, had been obtained through "misrepresentations" to the Patent Office and that Pfizer had engaged in a price-fixing conspiracy, and ordered the patent monopoly to be terminated.

At the time of his death Senator Kefauver, as Mr. Meyer correctly noted, was "moving heaven and earth" to investigate charges that Pfizer and a few of the other major drug companies had engaged in "concerted and malicious" activities to prevent McKesson & Robbins from selling drugs under generic names in South America. The results of this investigation, plus the burgeoning competition in tetracycline at home, could hardly be expected to enhance the value of Pfizer's stock, which at the time of his death had already declined 2¼ points since its purchase 6 months earlier.

Finally, to support his charge of hypocrisy in drugs Mr. Meyer infers that the Senator was guilty of hypocrisy on the whole issue of monopoly. Against this opinion must be set the Celler-Kefauver antimerger amendment to the Clayton Act, unquestionably the most important addition to the antitrust laws since 1914, as well as laws making final orders issued under the Clayton Act, strengthening penalties for violation of the antitrust laws, giving the Department of Justice civil demand authority to secure documents in antitrust proceedings, and the many provisions of the Kefauver-Harris drug law designed to promote competition and lower drug prices.

JOHN M. BLAIR,
Chief Economist, Senate Subcommittee on Antitrust and Monopoly.
LA PLATA, MD.

TEXAS AND SOUTHWESTERN CATTLE RAISERS' ASSOCIATION WARN OF ADVERSE ECONOMIC IMPACT OF EXCESSIVE FOREIGN BEEF IMPORTS

Mr. YARBOROUGH. Mr. President, I am deeply concerned by the serious impact on the domestic beef cattle industry of the current beef import situation.

The feeder committee and board of directors of the Texas and Southwestern Cattle Raisers' Association, at their quarterly director's meeting in Fort Worth, December 5, 1963, passed a resolution of national significance. I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the beef cattle industry is of major importance to the economy of Texas and the Southwest;

Whereas current levels of foreign beef shipments to the United States are causing adverse economic impact on our domestic beef cattle industry resulting in substantial monetary losses to producers and to the Nation's general economy;

Whereas this situation places in jeopardy the economically stable and efficient domestic beef cattle industry and the industry's ability to continue to supply the consuming public with wholesome beef at reasonable prices: Therefore be it

Resolved, That this association recommends that no tariff concessions be granted on livestock, meat, and meat products at the forthcoming Geneva trade talks; and be it further

Resolved, That both the legislative and executive branches of our Government be requested to take note of the serious beef import situation and take immediate action to provide reasonable protection for the domestic beef cattle industry through adequate tariffs and the establishment of a beef import quota system.

FEDERAL EMPLOYEES EXPRESS THEIR ABIDING LOYALTY, AFFECTION, AND GRATITUDE FOR THE LATE PRESIDENT, JOHN F. KENNEDY

Mr. YARBOROUGH. Mr. President, the National Association of Letter Carriers has passed a resolution in eulogy to the late President John F. Kennedy which expresses the deep sense of loss and sorrow shared by all Federal employees.

President Kennedy, with his encouragement and boundless drive, provided the leadership that was doing more to raise the status of Federal employees, more to get for them a fair living wage, more to bring about improved Federal service in this country, than had ever been done before.

As a member of the Post Office and Civil Service Committee, and chairman of the Civil Service Subcommittee, I had many occasions to learn of the love and loyalty Federal employees had for President Kennedy—and many occasions to witness this administration's deep concern for members of the Federal service.

I ask unanimous consent that the resolution adopted December 2, 1963, by the National Association of Letter Carriers be printed at this point in the RECORD:

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the cowardly and senseless assassination of President John Fitzgerald Kennedy has spiritually impoverished the entire free world, and

Whereas the cause of intelligent liberalism has suffered an irreparable blow through the sudden death of John Fitzgerald Kennedy, and

Whereas the National Association of Letter Carriers, its officers and its 165,000 members, feels a deeply personal loss in the death of a man whom they considered a very great President and a beloved friend: Be it

Resolved, That the executive council of the National Association of Letter Carriers convey to the widow of the martyred John Fitzgerald Kennedy and to his children, the expression of their deep and personal grief, their abiding affection, their loyalty, their

gratitude and their boundless admiration and sympathy.

Jerome J. Keating, President; James H. Rademacher, Vice President; J. Stanly Lewis, Secretary-Treasurer; Charles N. Coyle, Assistant Secretary-Treasurer; George A. Bang, Director, Life Insurance; James P. Deely, Director, Health Insurance; Philip Lepper, Carl J. Saxsenmeier, J. Joseph Vacca, George G. Morrow, Jr., James C. Stocker, Thomas M. Flaherty, Glenn M. Hodges, Dean E. Soverns, Fred Gadotti, Edward F. Benning, William T. Sullivan, Tony R. Huerta, Austin B. Carlson.

TRIBUTE TO NEVILLE HOLCOMBE

Mr. THURMOND. Mr. President, the Kiwanis Club of Spartanburg, S.C., has selected the former mayor of Spartanburg, Mr. Neville Holcombe, to receive its citizenship award of 1963. The citizenship award is made annually by the club to that citizen who has given outstanding civic contributions and unselfish service to our community. I was very pleased to learn, Mr. President, that the Kiwanis Club has recognized Mr. Holcombe's distinguished service to his community, both as an individual citizen and as mayor of Spartanburg during the period 1953–61. Mr. Holcombe is noted in South Carolina not only as one of the most capable attorneys in our State, but also as a gentleman of impeccable personal integrity and as one who made particularly important contributions to the improvement of his community as a dedicated and forward-looking public servant.

Mr. Holcombe is a graduate of Wofford College and received his bachelor of law degree from Harvard University. During World War II he rendered distinguished service to his country as an intelligence officer attached to the eastern sea frontier. In addition to his service as vice president of the chamber of commerce of the Greater Spartanburg area, Mr. Holcombe also serves as director of the united fund, chairman of the city crime prevention council, and is a very active and loyal member of the Episcopal Church of the Advent.

Mr. President, the Spartanburg Herald has made particular note of this award being given to Mr. Holcombe, pointing out that he might well be considered the citizen of the decade for Spartanburg, S.C., in view of the outstanding service he has rendered to his community. I ask unanimous consent that this editorial entitled "Man Named Neville Blew Into Town" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAN NAMED NEVILLE BLEW INTO TOWN

Neville Holcombe would be among perhaps three or four people considered for "Citizen of the Decade" if Spartanburg were bestowing such an honor.

The Kiwanis Club chose well to name him its "Citizen of the Year."

It would be sufficient to name some of the major improvements which came to this community during Mr. Holcombe's 8 years as mayor, accomplishments which required the leadership he gave.

City limits extension, offstreet parking, slum clearance, downtown renovation, new city hall, major traffic and street improvements.

But the story would be only partially told if you continued the list on and on.

Neville Holcombe and his lovely wife represented this city with dignity and charm. They became personifications of Spartanburg's wholesome character and warm friendliness.

He left the office of mayor in May 1961, nearly 3 years ago. At that time, word of his leadership and Spartanburg's progress had spread throughout the State—and people from other communities were asking whether he intended to run for statewide office.

Whatever he planned on that, an extremely serious illness intervened.

As he regained his strength, Neville Holcombe again offered himself to his community as a citizen. He is now first vice president of the chamber of commerce, among many capacities of leadership.

His recognition by the Kiwanis Club brings to mind Rudy Rivers' tribute at the time Mr. Holcombe relinquished his office:

"Once a man named Neville blew into town from Woodruff via some Yankee school and hung out a shingle as a counselor at law.

"He spent some years at this and picked up enough political savvy from somewhere to run for and win the mayor's post. That was Spartanburg's good fortune.

"It is probably by dint of personal persuasion on his part and careful organization of goals and resources that Spartanburg has enjoyed the most fruitful years since the first railroad hit town.

"To the outgoing Mayor Holcombe and Councilman L. L. Hyatt and Sam Mize, I believe Spartans owe a large debt of gratitude.

"I don't know how to clear my debt except with a sincere, thank you"

PROTECTION AGAINST NUCLEAR ATTACK

Mr. THURMOND. Mr. President, I have been impressed with recent testimony that has been given by Assistant Defense Secretary Steuart Pittman before the special Subcommittee on Civil Defense of the Senate Armed Services Committee. Mr. Pittman has emphasized the importance of proceeding expeditiously toward making adequate preparations in this country to protect our country against an enemy attack, especially under conditions of nuclear warfare.

I have noticed in reading the December 1963, issue of Army magazine that the Association of the U.S. Army, at its 9th annual meeting, approved a number of resolutions, including two important resolutions which support concepts which would help provide our Nation with a more effective defense posture in the event of a nuclear exchange. I call particular attention, Mr. President, to Resolution No. 5 entitled "Defense Against Ballistic Missiles" and Resolution No. 12 entitled "Civil Defense." I ask unanimous consent that both of these resolutions be printed in the RECORD and referred to the Committee on Armed Services.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

No. 5. DEFENSE AGAINST BALLISTIC MISSILES

Whereas an effective antiballistic missile defense at the earliest practicable time is vital to the security of the United States; and

Whereas the Army has in an advanced state of development the Nike-Zeus, which has successfully intercepted ICBM targets, and is developing an even more effective system, the Nike X: Now, therefore, be it

Resolved, That, in the interest of national security, the Association of the U.S. Army urges the earliest possible production and deployment of an effective defense system against ballistic and other space environmental threats.

No. 12. CIVIL DEFENSE

Whereas the threat of an attack against the United States by mass destruction weapons continues to be an ever-present possibility despite recent indications of decreasing cold war tensions; and

Whereas the President has declared the need for a greatly accelerated civil defense program, including the provision of effective fallout protection for both civilian and military personnel; and

Whereas the public is manifestly interested in its own active and passive self-defense against mass destruction attack; and

Whereas the protection of our population requires the coordinated effort and resources at Federal, State and local levels: Now, therefore, be it

Resolved, That adequate resources, funds and priorities be allocated to insure the development of a reasonably effective civil defense throughout the country so that all citizens will be better informed on this vital subject; and be it further

Resolved, That since the Army has been given certain responsibilities of military support of civil defense, it be furnished increased funds and personnel commensurate with the tasks assigned.

Mr. SMATHERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBJECTION TO COMMITTEE MEETING DURING SENATE SESSION

During the delivery of Mr. ERVIN's address:

Mr. MORSE. Mr. President, will the Senator from North Carolina yield to me to make a unanimous-consent request, with the understanding that the interruption will appear elsewhere in the RECORD, and that he will not lose his right to the floor for so yielding?

Mr. ERVIN. I am glad to yield for that purpose, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that the Subcommittee on Accelerated Public Works of the Committee on Public Works be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COOPER. Mr. President, may I address myself to the Senator from Colorado?

Mr. ERVIN. I yield to the Senator from Kentucky with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, the hearing is upon the proposed extension of the accelerated public works program. A number of witnesses are in the city, having come here from other States, to testify. It would be a hardship on them if they had to wait over, or perhaps go back home. I wish to address this information to the Senator from Colorado for his consideration.

Mr. ALLOTT. Mr. President, if I may reserve my objection for a few moments, until after I have an opportunity to discuss the matter with the distinguished Senator from Kentucky, I may withdraw it. If I must state it at this time, I object. May I do that?

The PRESIDING OFFICER. Objection is temporarily entered.

Mr. MORSE. Mr. President, I will renew my request later.

I hope the Senator from Colorado understands that I am acting under instructions in making the request.

Mr. ALLOTT. I understand.

ASSISTANCE TO HIGHER EDUCATION—CONFERENCE REPORT

Mr. MORSE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BAYH in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of November 6, 1963, pp. 21123–21129, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield, without losing his right to the floor?

Mr. MORSE. I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, if the Senate is still considering the pending legislation when the hour of 2 o'clock arrives, it be continued as the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that members of the majority staff and the minority staff of the Committee on Labor and Public Welfare be granted the privilege of the floor, to assist in connection with the debate on the higher education bill conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, before explaining the conference report on the higher education bill, I am pleased to announce that a few minutes ago the Senate conferees on the vocational education bill succeeded in reaching an agreement with the House conferees. The conference report is signed; and I thank each of the Senate conferees for the great assistance he was to me throughout this very difficult conference. I also thank each of the House members of the conference committee, including those who finally voted against the conference report, for the unfailing courtesies they extended to me, as chairman of the conference committee, during our markup of the conference report.

At another time, I shall have more to say about the conference report on the vocational education bill. At this time, I say only that this is a great day for school dropouts in America, because the conference report offers them some hope of getting back into school at a school level at which they can succeed. It offers great hope also for the many thousands of school dropouts between the ages of 18 and 21 who are fast becoming an increasingly large part of the pool of unemployability in the United States. I have been heard to say, and I repeat it today, that in my judgment this aspect of the educational problem is one of the most serious which confronts the Republic. Not only is it vital, from the standpoint of its human aspects, it is also exceedingly important from the standpoint of its economic aspects.

I believe that all the conferees are deserving of many thanks from the Members of both Houses of Congress for what I—as one who observed the conference committee discussions—consider the greatest exhibition of educational statesmanship I have observed at any time in my many years of service in the Senate. I am greatly indebted to them.

The Senator from New York [Mr. JAVITS] was of inestimable assistance to me, as chairman of the conference committee, when yesterday he made a suggestion which broke the most difficult deadlock which confronted us—a deadlock over residential schools and work-study programs. The Senate version of the bill made provision for both residential school and work-study programs. Those subjects were not covered in the House version of the bill. For a long time it seemed that it might not be possible to obtain a conference report. Because of this difference in view of the testimony taken by the Senate committee, many of the Senate conferees were of the opinion that the work-study program and the residential school program were among the most important aspects of the entire program, those two topics deal directly with the problem of school dropouts or potential school dropouts between the ages of 18 and 21. The Senator from New York [Mr. JAVITS] finally suggested that the two programs be combined into one lump-sum program—which was done; and on the basis of that suggestion, an agreement was reached. I particularly thank the Senator from New York for the great assistance he was to me.

Mr. President, I believe in giving credit where it is due. In my judgment, if it had not been for the never failing shoulder-to-shoulder support I received from the chairman of the full Senate committee, the Senator from Alabama [Mr. HILL], an agreement never would have been reached on the vocational education bill, The Senator from Alabama sat next to me throughout the many days of the conference. Never was there a time, after we had listened to the objections on the House side and the suggestions for compromise, when I failed to receive the finest support from the Senator from Alabama, after he and I conducted a whispered conversation as to what we thought would be a reasonable compromise of the differences.

One of our very difficult problems concerned the definitions in the bill. The Senator from Vermont [Mr. PROUTY] had been our leader in regard to the area vocational school definitions problem. These are exceedingly important in connection with this vocational education bill since it involves a broadening of the concept. The Senator from Vermont led us out of that wilderness, and was instrumental in helping us to reach an agreement in this area.

Mr. President, before taking up the conference report on the higher education bill, I have mentioned the vocational education bill, because I would have Senators remember that if the conference report on the higher education bill is approved by the Senate and if, subsequently, the conference report on the vocational education bill is approved by both Houses of Congress, we shall have made more progress in the field of education legislation in this Congress than has been made in this field in the last 100 years.

That is not an original thought of mine for that is what the late President Kennedy said when he was discussing the challenges of education which faces Congress at this session. He pointed out, that if we succeeded in having these two bills passed by both Houses before the adjournment of Congress this year, we would have made more progress in the field of education than has been made in the last century. Unquestionably, he was correct about that.

The first of these two challenges—the conference report on higher education—is now before the Senate.

Senators who do not agree with me on the conference report know the great respect I have for them. They also know that, as chairman of the Senate conferees on higher education, I have done the best I could to the maximum extent possible to carry their wishes. I shall have more to say about that when we

discuss the Ervin-Cooper judicial review amendment adopted by the Senate but deleted in conference.

I wish to make it clear at the beginning of the debate that I do not question the sincerity and the dedication to education of the Senator from North Carolina [Mr. ERVIN] nor that the Senator from Kentucky [Mr. COOPER]. I say to them most respectfully, that the Senate is confronted with a practical legislative problem. We are bringing before the Senate a conference report on higher education that, in my judgment, is very much in the best interests of the country, in the best interests of education, and in the best interests of the tens of thousands of young men and women who will be the beneficiaries of the program.

Later, if it is sought and desired, I shall give a round-by-round account, as to how the Ervin amendment was handled in conference; but I wish Senators to know that I shall keep faith with the Senate—in the legislative process as I did in conference—in connection with the provision on judicial review.

When the higher education bill was before the Senate, I said on the floor of the Senate that in my judgment the judicial review amendment did not have a proper place in the higher education bill. I said that it involved a subject which should be considered in a separate bill, and not by way of an amendment written into the bill at that time. I said there should be hearings on the subject, and that the most outstanding constitutional lawyers and authorities in the country, as well as leading educators, should be called before the committee. I said then that in due course of time I would introduce a bill along the lines of S. 1482 the Clark-Morse judicial review bill of the 87th Congress which was introduced after consultation with the present Attorney General of the United States and the Solicitor General of the United States.

The language in S. 2350 of this session, the successor bill to S. 1482, is substantially the same language that was agreed upon and written in the Office of the Solicitor General of the United States in consultation with the Senator from Pennsylvania and myself. I believe S. 2350 will stand the test of the courts. I believe it is an improved bill. I believe that S. 2350 is a much better legal instrument to achieve its purpose of judicial review than the Ervin-Cooper amendment. In my judgment, we should agree to the conference report on higher education and then proceed with early hearings on the judicial review bill that has been introduced on behalf of myself and a group of cosponsors. I invite other Senators to join us as cosponsors.

As I said during the October debate on higher education I believe that is the way to handle the question. This issue will be brought before the Supreme Court anyway. It has started its climb to the Supreme Court in connection with the Maryland case brought by the Horace Mann League. The Maryland case raises points under both the 1st and 14th amendments.

As a lawyer, it is my opinion that the issue, will be before the Court in due course of time, and that it will not be a long time.

I have great respect for lawyers, including the proponents of the Ervin-Cooper amendment who disagree with me in this matter. However, in my opinion they are in error and that my view will prevail. If the Maryland case does not reach the Supreme Court, there are other cases that will. But I am not for delay. I advocate going ahead and obtaining early action on S. 2350, the Morse-Clark judicial review bill.

A similar bill has been introduced on the House side by my able colleague from the Third Congressional District of Oregon, Representative EDITH GREEN; and I have been given assurance that it will receive prompt consideration in the House.

I now request Senators to turn to page 18 of the report of the Higher Education Facilities Act of 1963. I will point out the differences between the House bill and the Senate bill and the final results of the conference. I shall read those differences quickly:

The differences between the House bill and the substitute agreed upon in conference are described in this statement, except for minor, clarifying, or technical differences.

The conference substitute contains four titles. Titles II, III, and IV of the substitute are substantially the same as the corresponding titles of the House bill. In most respects, title I of the conference substitute is also the same as title I of the House bill. There are, however, two significant differences which are discussed below.

CATEGORIES OF FACILITIES ELIGIBLE

The House bill permitted Federal grants for facilities so long as they were "academic facilities" within the meaning of the act. The term "academic facilities" excluded, specifically, certain athletic facilities and facilities used or to be used for sectarian instruction or as a place for religious worship or used or to be used in connection with a divinity school.

The Senate amendment provided Federal grants for "academic facilities" (defined as in the House bill), but also contained an additional limitation. It limited construction to structures, or portions thereof, especially designed, and to be used only, for instruction or research in the natural or physical sciences or engineering or for use as a library.

The substitute agreed upon in conference limits construction (except in the case of public community colleges and public technical institutes) to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library.

It will be noted that the conferees added to the categories, eligible for grants "Modern foreign languages and mathematics." In our opinion, mathematics as a subject matter discipline was included under the science category. All the definitions that have been used heretofore in connection with the sciences include mathematics. But it was suggested that we should specifically name mathematics to remove any doubt on the matter, so it was included. We also included modern foreign languages, because modern foreign languages, as is true also of mathematics, is a category covered in the National Defense Education Act.

I stress that what we are giving the Senate is what the Senate has already approved category-wise in the national defense education program and a Senate passed library construction bill.

I read further from the report:

SPECIAL PROVISIONS FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

The House bill provided special treatment for junior colleges and technical institutes by requiring that 22 percent of each State's allotment of funds for construction of academic facilities could be used only for these institutions. In all other respects junior colleges and technical institutes were treated the same as other types of institutions of higher education. Since the House bill authorized the appropriation of $230 million, the result would be to earmark, on a full appropriation, $50,600,000 for junior colleges and technical institutes.

The Senate amendment, in contrast, contained a separate title providing construction grants for public community colleges; that is, junior colleges which are under public supervision and control. It authorized the appropriation of $50 million for this purpose. This title differed in many respects from the provisions of the House bill governing grants to other types of institutions of higher education. Of these, the five listed below are of the greatest significance:

1. The method of administration.
2. The formula for allotting the funds among the States.
3. The matching requirements.
4. The differing treatment of public community colleges and of private junior colleges.
5. The treatment of technical institutes.

These differences, and the conference action on each, are discussed below:

1. The method of administration in the House bill is to have a State agency, broadly representative of the public and the various types of institutions of higher education in the State, be responsible for carrying out the program in the State. The State agency would establish the relative priority to be accorded projects for construction, and would also fix for projects for institutions of higher education other than public community colleges and public technical institutes the extent of Federal participation (the Federal share) within the prescribed ceiling. The grant would be made directly to the institution by the Commissioner of Education. The Senate amendment, in the case of these grants for public community colleges, provided that the grant should be made to a State agency, and that that agency would in turn make the grants to the public community colleges. The conference substitute is like the House bill in that public community colleges and public technical institutes are embraced within title I along with all other types of institutions. However, where deemed appropriate, special provisions applicable only to these institutions are included in title I.

2. The formula for allotting funds among the States contained in the House bill applied to public community colleges and public technical institutes in the same manner it applied to all others.

The Senate amendment, in the title dealing with public community colleges, contained a formula for allotting funds among the States which was entirely different from the formula used in the case of other types of institutions of higher education. This formula provided that the funds would be allotted among the States on the basis of (a) the number of persons graduating from high school in the respective States in the

most recent school year for which satisfactory data are available, and (b) the relative income per person in the respective States. The formula contained special provisions to insure that no State would receive more than three times as much as any other State per high school graduate no matter what its relative per capita income, and to provide that Puerto Rico, the Virgin Islands, American Samoa, and Guam would receive the same amount per high school graduate as the States with the lowest per capita income.

The substitute agreed upon in conference provides 22 percent of each year's allotment shall be allotted among the States on the basis of the Senate formula just described (with one minor modification) and that the funds so allotted may be used only by public community colleges and public technical institutes. The minor modification referred to is to reduce the maximum spread between the States with the lowest per capita incomes and those with the highest from 3 to 1 to 2 to 1. The result is that under the conference substitute each State will receive substantially the same allotment for public community colleges and public technical institutes as it would have received under the Senate amendment for public community colleges.

3. The matching requirements in the House bill were the same for all types of institutions of higher education; that is, the State commission would fix the amount of the Federal share, which could not exceed one-third of the cost of the project. The Senate amendment provided for variable matching in the case of projects for public community colleges. The conference substitute retains the House pattern but provides that in the case of public community colleges and public technical institutes the Federal share shall be 40 percent of the cost of the project.

4. The treatment of public community colleges and private junior colleges differed between the House bill and the Senate amendment. The conference substitute earmarks 22 percent of each year's appropriation for the public community colleges (and public technical institutes), and, correspondingly, does not permit any of the funds allotted for other institutions to be used for these. Private junior colleges will be eligible for assistance, but must draw their funds from the remaining 78 percent of the annual appropriations. The private junior colleges will be able to use their funds only for the categories of specially designed facilities referred to above. The sums allotted for public community colleges are not limited to use for such categories of specially designed facilities, and may be used for construction of any facility coming within the definition of "academic facility."

5. The Senate amendment treated public and private technical institutes alike. The conference substitute provides that public technical institutes will be treated like public community colleges and that private technical institutes will be treated like private junior colleges. The conference substitute includes the provisions of the House bill providing a special accreditation procedure for technical institutes.

Mr. President, on one other technical aspect of the bill, I should like to reassure those who have expressed to me their concern over the language of that part of section 403(a) which reads: "but, in the case of any nonprofit educational institution, the Commissioner may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction."

I should like to make it crystal clear that it is the intent of the bill that voluntarily donated services means those services which are given without any compensation at all. I make this legislative history for the purpose of clarifying a possible ambiguity.

I close by saying that there are many fine features of the higher education facilities bill, but I suppose the thing of which I am most proud—and I would not be surprised if most of my colleagues share that pride—is what we will do to help community and junior colleges.

In the years immediately ahead the great need in higher education is at the community level, at the junior college level. So many young men and women at the present time are being denied a higher education only because the facilities are not available.

It was brought out in our hearings on the bill, by one education expert after another, that within the next 10 years—the demand on the part of the American people for junior and community colleges will be so great that there will be more young people going to college at the community and junior colleges of this country, than there will be in all of the standard universities and colleges, public and private combined but only if we do our job in this Congress.

We must provide such facilities in this age of automation.

Let us never forget that if we are to meet the higher education needs of the young people of this country in 1980; that if we are to respond to their knocks on the doors of the colleges for admission; that if we are to insure to them equal opportunity for the development of their potential brainpower, we shall have to double the size of every university and college in America, public and private, and we shall have to build at least 1,000 new ones, to accommodate student bodies of at least 2,500 students each.

Let me recall again to you the basic reasons for this bill. They are set forth in an article in the New York Herald Tribune of September 29 entitled, "War Baby Population Boom To Hit Colleges Next Fall."

Mr. President, I ask unanimous consent that the article to which I have alluded be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAR BABY POPULATION BOOM TO HIT COLLEGES NEXT FALL

(By Terry Ferrer)

It's all been said. Now it's going to be done.

For almost a decade, the educational seers have been warning about the coming college boom, the tidal wave of students, the need to build more and more college classrooms, the zooming costs for which parents should be saving.

Now the deluge is beginning.

This year's high school seniors—who will be headed for college next fall—and the present high school juniors are going to have the toughest college admissions problems of any young students for the next 12 years, that is, through 1975.

Beginning in the fall of 1964, almost one-half of the total increase in college freshmen expected by 1975 will be concentrated in a 2-year period.

Between now and the fall of 1965, some 309,000 more freshmen will be enrolled across the country (one can't even consider the boys and girls who won't make it). The total increase in a dozen years, U.S. Office of Education figures show, will be 645,000—or a jump from this fall's 1.117 million freshmen to 1.762 million.

FIGURES

And even these figures may be too low—they have been in the past. The war babies of 1946 and the continuing population boom will jump the high school senior age group from its present 2.9 million to almost 4 million by 1970 alone. As a higher and higher percentage of high school graduates go to college each year, the freshmen figures may well rise even higher.

And adding to the pressures of numbers are the strictures of space. Not only do more students go to college, but more stay in. For example, this year's 4.4 million college students—expected to double by 1975—number 200,000 more than they did last year. But the estimated number of freshmen is down from 1962. Obviously, if more students stay in, there is less room for those coming in.

How well have the colleges—long warned—prepared for the deluge?

Who will get in—and who will be left at the post?

How expensive will it be—and how about scholarships?

The answers are uniformly gloomy. The country's 2,000 colleges have been building—but they are running about $1 billion a year behind what is needed. Dr. W. Robert Bokelman, Chief of Business Administration in the Office of Education's Higher Education Division, says that the annual construction rate for colleges should be $2.3 billion; instead it is $1.3 billion.

"The colleges can probably get by next fall," he said, "but the real pinch will be in 1965. Shortages of classrooms, libraries, and laboratories—right in the heart, that's where the pinch will be felt."

As far as admissions are concerned, more and more college candidates will have to look to the public institutions rather than the private colleges. The present ratio of public to private enrollment is 60–40. By 1985, when there will be 12.8 million students in college, the ratio will be public 80 percent, private 20 percent.

And the signs are already going up at the public colleges and universities. Don't come looking for admission in September. Rather, the nonselective public institutions are beginning to spread their freshman enrollments over a whole year instead of 1 month.

DEFERRED

Thus Miami University in Oxford, Ohio, already tells its weaker applicants that they must wait until February for admission, rather than September. By February, presumably, first-semester flunkouts will make a little room available. Students can take jobs while they wait.

Both Ohio University and Ohio State, who by law must admit all comers, now say that students in the lower third of their high school class cannot enter in the fall, but must begin work in the summer, winter, or spring quarters.

New also is the "summer tryout," the catch word of Dr. Robert E. Iffert, coordinator of research for colleges in the Office of Education. The University of Maryland, for example, says "we will admit you next fall if you take summer work now and do it satisfactorily. If you don't do well in the summer, we won't."

In similar vein, the University of Illinois has a "progressive admissions plan"—it takes the upper half of each class in the regular fall term, and does not even consider the

lower half until after May 31. The lower half must take college-entrance tests, and if they don't do well, they are deferred admission for a term.

CUT OFF

The University of Tennessee is even more brutal. Beginning next fall, any student with a high school average below C who scores in the lower fifth of the American college testing program simply will not be accepted.

Does this mean that all the not-that-bright students will never get out of the starting gate? Not if they have the funds to pay for an education at one of the smaller, not-too-selective private colleges.

What about those students who don't have the money? If they are extra bright, they will probably make it into college, with help in a combination of scholarship, loan, and job.

The problems of college admission will be most real for the B-minus or C and C-plus students. These are the boys and girls who will suffer the most in the crucial 2 years.

As for the cost of college, there is just one word—up. College costs have been doubling every 12 years, according to Dr. Ernest V. Hollis, college finance expert of the Office of Education. Tuition fees alone are jumping 7 percent each year, and living and other expenses 3 to 5 percent.

This year's average cost in a public institution is $1,775, and in a private college $2,375. If you multply that by 4 years, assuming present rates, public costs for a college education would be $7,100 and private $9,500. Double these figures, and, by 1975, it will cost $14,200 for 4 years in a public and $19,000 in a private college.

Will there be any help in paying the bill? By next fall, there should be about $400 million available to college undergraduates in scholarships, jobs, and loan (exclusive of commercial loans). This compares with $169 million available in 1955–56, says Rexford G. Moon, head of the College Scholarship Service of the College Entrance Examination Board.

But, as costs go up, this $400 million will be nowhere near enough, Mr. Moon predicts. The trend is for fewer students to be helped—more in actual numbers but fewer as a percentage of the whole.

For example, the total number of scholarship, loan, and job awards made to college students by their colleges in 1955 amounted to 34 percent of the college enrollment. But in the next 4 years, the awards went to only 27 percent of the enrollment—a drop of 7 percent.

Higher costs, waves of students, not enough classrooms—it's all coming true right now, just as the prophets said it would.

And after the deluge, more.

Mr. MORSE. Mr. President, that is the challenge which confronts the American people in the field of higher education.

It is the prayer of the conference committee that the Senate will recognize this need by approving the conference report this afternoon, postponing for later consideration the issue of judicial review We believe that is the way to face this issue.

I say most respectfully to my friends, the Senator from North Carolina [Mr. ERVIN] and the Senator from Kentucky [Mr. COOPER], that I fully respect their position. I sincerely hope, however, that they will see their way clear to permit an early vote on the conference report. Further I hope will join me next session in putting through the Senate at the earliest possible date the Morse-Clark bill on judicial review.

CANADA'S AID PROGRAMS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a recent statement by Mr. Paul Martin, Secretary of State for External Affairs of Canada, which concerns the programs of the Canadian Government in the field of foreign aid, following one paragraph from a letter I have received from the Ambassador, which I shall read.

While the expected level of Canadian economic aid during the current fiscal year (April 1, 1963, to March 31, 1964) is expected to reach about $120 million, this amount will be increased by $70 million ($20 million in grants and $50 million in a new loan fund from which loans will be available on terms of 50-year maturity, three-fourths of 1 percent interest and 10-year grace period) during the 1964–65 fiscal year.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CANADA'S AID PROGRAMS

(Statement in House of Commons, November 14, 1963, by Mr. Paul Martin, Secretary of State for External Affairs)

I should like to make an announcement on a subject which I am sure will be of considerable interest to the House and to the Canadian people—Canada's programs of economic assistance for the developing countries of the world.

The record demonstrates, I think, that since 1950, when Canada was one of the founding members of the Colombo plan, Canadian governments have regularly reviewed the adequacy of their aid programs and have made provision for increases whenever national circumstances permit. Last year only was a reduction made in the level of our assistance as part of a general program to reduce expenditures in every area of Government activities.

When the present government took office it became increasingly apparent that because of the changing framework of international assistance a fresh look was required at our international aid effort. The requirements of the developing countries are urgent and growing and economic assistance for them has become an established policy of all of the advanced nations of the free world, who have recognized the need to cooperate in assisting to the best of their ability those countries in the process of economic development. Accordingly, our Canadian aid effort cannot be viewed in isolation but rather as part of a broad collective effort. We would be failing in our responsibilities both to the developing countries and to other advanced countries with which we are associated if we did not insure that Canada played its proper role in this common aid effort.

As an integral part of our foreign policy, our Canadian aid programs have, I am convinced, the broad support of the Canadian people. By sharing our resources, skills, and experiences, we not only benefit others but also help to expand and enrich our own experiences. Incidentally, our aid programs provide a stimulus to the domestic economy and contribute to a betterment of employment conditions, since the main part of our aid funds is spent in Canada to purchase Canadian goods and services required in the developing countries. Taking all these factors into account, the Canadian Government has now formulated general plans for an expansion of Canada's aid programs beginning in the fiscal year 1964–65.

The main proposed area of expansion would be in special Canadian lending for development purposes. If Canada is to be in a position to provide assistance on terms commensurate with the needs of recipient countries, consistent with the agreed objectives of international bodies of which Canada is a member, and in line with what other major donors are providing, there should be available for implementing Canada's bilateral assistance programs facilities for lending of the type now carried out by the International Development Association, involving such features as long maturity periods, liberal grace periods, and little or no interest. It is proposed, therefore, that a lending program of this type should be commenced in the fiscal year 1964–65 with an initial ceiling for commitments of $50 million.

It is the Government's intention to ask Parliament to make separate provision beginning in 1964–65 for a food aid program, as already announced by the Minister of Trade and Commerce, and for Canada's contribution to the Indus Basin Development Fund, which was set up in an effort to resolve the difficult dispute between India and Pakistan over the use of the waters of the Indus Basin. These have been included in Canada's bilateral grant aid programs which will be continued in 1964–65 at their present level of about $50 million, but which will in the future be devoted to the provision of project assistance, the supply of industrial commodities and the carrying out of technical assistance only for the developing countries. The result will be a significant increase in our grant aid. These improvements in our aid programs would of course be additional to Canada's other existing programs of assistance, including our long-term financing arrangements under section 21(A) of the Export Credits Insurance Act and our contributions to the multilateral programs of the United Nations. Recent references have been made in the House to the increased Canadian contribution to the U.N. Special Fund and the International Development Association.

In the current fiscal year, it is expected that the overall level of Canada's expenditures for assistance to less-developed countries will be in the neighborhood of $120 million. It is the Government's intention to seek authority to make available an additional $70 million in 1964–65. It is, of course, not possible at this stage to forecast an actual expenditure level for 1964–65 but it is expected that with the new resources available, the level might be in the range of $180 to $190 million.

The overall program which I have described will be a flexible one designed to place Canada in a position to make an effective response to changing national and international circumstances. In particular, it will provide for:

(a) Aid to Colombo plan countries of Asia at a higher level than was provided prior to the reduction in 1962;

(b) A more comprehensive and sizable Canadian program for the Commonwealth countries of the Caribbean;

(c) Larger and more effective programs for Africa, including the French-speaking states;

(d) A further contribution to Latin American development, in close cooperation with the Inter-American Development Bank, through the availability of new and additional lending resources.

I make this announcement at this time in view of the OECD ministerial meeting in Paris next week at which the subject of aid to developing countries will be discussed.

SPEECH BY CHANCELLOR ERHARD ON FOREIGN AID AND ATLANTIC PARTNERSHIP

Mr. FULBRIGHT. Mr. President, on October 27, in Frankfurt, Germany, the new Chancellor of the West German Federal Republic delivered one of the most sensible and hopeful speeches that

it has been my good fortune to hear in many years. His speech gives us encouragement to hope that the concept of an Atlantic partnership and close cooperation is still being seriously and hopefully considered by the people.

I ask unanimous consent to have printed at this point in my remarks a copy of the speech delivered by Chancellor Erhard.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY CHANCELLOR ERHARD, PAULSKIRCHE, OCTOBER 27, 1963

The following is an unofficial translation of Chancellor Erhard's speech delivered in Frankfurt, October 27, 1963:

"The historically short period of 16 years which has elapsed since the initiation of the greatest aid action in history will, nevertheless, suffice to evaluate properly and judge the almost miraculous developments which have taken place since the hostile division of the world. We Germans cannot do justice to the significance of the Marshall plan in a better way than by remembering this accomplishment at the present time, as well as in the future, and by drawing the necessary conclusions.

"It seems to me that an interpretation of the Marshall plan would be particularly useful at the present time when many problems are demanding solutions.

"Our thoughts do not have to go back very far to find some parallels between the events of those years and today's tasks. Possibly all of us are today again facing a similar decisive turn of events. When in 1947 the United States assumed the responsibilities of the world's leading power by announcing the Truman doctrine and the Marshall plan, they gave to the world much more than mere dollars. They gave hope to discourage people and nations. They launched the idea of cooperation and gave all persons of good will a tremendous impulse toward reconciliation and progress. The concept that the economic life of the Western World requires common ground rules which in the meantime has become generally accepted is the fruit and the result of that impulse.

"I do not mean any disrespect for the merits of all those theoreticians who labored for unification and reconciliation of Europe if I say that Europe as a political value and concept began with the Marshall plan. This is a historic truth. We should remember this today when a new appeal is being made to Europe for an enlarged Atlantic community. And there is something else which we must not forget: General Marshall's plan was a concept of peace and not a plan to begin a separation of East and West. It is indeed tragic that the dangers of war presented by the Korean crisis imposed all too soon new burdens on the nations of the world. Nevertheless, the success of the Marshall plan makes me hope that communism in Europe has been defeated once and for all. And this defeat was not the result of military or police action, but was brought about by the reestablishment of dignified human existence.

"We Germans in our divided country feel clearly the value of this success. Not because of the Marshall plan but, unfortunately, in spite of it, the division of the world by an Iron Curtain has been accentuated.

"It is a historical fact that people will only reunite for genuine cooperation if they can affirm a common, liberal, social, political, and ecenomic order and are prepared to defend it. This truth was confirmed by the refusal of the East bloc countries to participate in the Marshall plan. The idea of the plan was based on understanding and reconciliation. During the period 1947–62 the United States has given more than $32 billion in economic aid to the countries of Western Europe. Of this sum, the Federal Republic has received not less than $4.5 billion. Two-thirds of this amount was an outright gift from the American people, that is, from the American taxpayer. I am proud to be able to say that this magnanimous aid has not only been gratefully received in the Federal Republic but it also has been put to good use. This can be proven not only by economic statistics but even more by the close bond which has existed between the United States and the German people since that time.

"I have often emphasized that the moral help of the Marshall plan gave us Germans the confidence that we had not been written off, an assurance which, in retrospect, seems particularly valuable.

"I would like to mention two things which seem to me particularly important as far as the solidarity of the West and the well-being of all free people is concerned. By taking this approach I will explain the concept of the Marshall plan in a broader, but in my opinion logical, fashion. Everybody knows that the political face of the future world will depend essentially on the long-run attitude of the industrial nations of the world toward the problems of development aid.

"Also, we in Europe now have a possibly not recurring chance to apply again a great deal of the theory and practice of the Marshall plan for the benefit of the young Afro-Asian countries. We must help these nations to become self-supporting, exactly as the United States assisted a hopelessly prostrate Europe in those 16 years. Indeed, there is very much at stake and it is our duty to do not just everything possible but actually the very best possible.

"By our own experience we have learned—and the developing countries will have to appreciate this too—that assistance from outside must be accompanied by mutual confidence and by a determined fruitful cooperation. As controversial as these problems may appear today, the Europeans have not forgotten the times of the dollar drive; and the developing countries will do well in aiming at a similar improvement in production and in increased and intensified foreign trade. A healthy growth of free world economies offers a chance to the emerging countries to enter usefully into this process and at the same time to strengthen their readiness to recognize the principles of a free democracy as their own obligations.

"At that time we Europeans did not hesitate to take advantage of the technical knowledge and the modern methods of our American friends. Today technical aid is also offered by Europe, and it should be accepted in good will, even if it is offered in the form of social and economic policy and organization. And finally, like the United States which at that time, by giving approval to the founding of the European Economic Council, agreed to a discriminating liberalization of the Europeans among themselves, we should temporarily apply the same principle to the developing countries in order to encourage their free cooperation. As far as the principle of reciprocity is concerned, which appears to be unimpeachable for future tariff politicians, I should like to mention that with the first tariff reductions in GATT the United States offered a unilateral advantage to the Europeans inasmuch as the simultaneous tariff reductions on the European side were only of very low material value due to the sharp quantitative limitations on their imports.

"This we should remember when shortly we will be confronted with the question of whether the industrialized nations will be ready to give preferential treatment in the field of tariffs to the rest of the world. I know how difficult this will be. In examining the difficulties which we are challenged to meet on our side—especially the unifying political formula we Europeans have not yet found—it appears to be difficult to overcome national egotisms. But precisely this problem shows the inseparable association between politics and economy. A broad spirit and a strong moral power as embodied by George Marshall could bring hope and recovery to us Europeans in our entanglement. We sin against him if we isolate ourselves or even split up in Europe.

"This obligation presupposes that Europe really opens its doors to the world and does not merely pay lip service to this idea. Aid through trade may in the first place seem to be pure altruism, but in the long range and in reality it is a kind of selfish altruism. Trade aid will be of advantage not only to the developing countries but also to the importing Europe, even to the whole world. If this thesis were false, the idea of integration would be false in principle and as a whole. The lessons and experiences of the last decade would be false. Who would seriously venture to state that the division of labor would not be beneficial to all? It goes without saying that there are problems of adjustment and losses may occur here and there. But I consider it to be the duty of the governments of the industrialized world to answer for these consequences despite internal political difficulties. Each renunciation of natural production advantages—whether it be effective in developing countries, in the United States or in Europe—is expensive, too expensive, to allow protectionism.

"What is called division of labor in economic terms means integration and cooperation in the political field. This endeavor emerges from the insight that nations must have to unite their strengths and apply them in the right places. We gained this insight when the Marshall plan began to become effective, and we must maintain it. It would be a shameful disgrace for the newly strengthened Europe if it refused to exercise a world-open policy to the advantage of all. We know that we on both sides of the Atlantic will soon be called to trial if the so-called Kennedy-Round is to be successful. The good cooperation between you and our country preceding the GATT negotiations was in the spirit of George Marshall. During those 16 years supranational cooperation was intensified in many cases, but as yet Europe has not been built and therefore the Atlantic partnership is visible only in its beginnings. Let us turn to a significant problem that will have to be solved jointly by the United States and Europe. In only 6 years from now, the members of the European Economic Community will speak only with one voice in economic policy, and in the last analysis the language which Europe will then use will depend on political developments.

It seems that Europe is united—and I hope it is—in its dedication to creating a greater Atlantic community. The positive position of the Federal Government is beyond any doubt, but it will take much good will from all sides to lead the negotiations between the economic areas of the Common Market, the other free countries of Europe, the United States and the rest of the world to the desired successful end. We are happy about the fact that hate and envy among the people of the free world are diminishing. We must work and see that no new rivalry will emerge, rivalry concerning the leading role in continental Europe or just rivalry concerning the first place among equal partners. There is no place for mistrust of this kind when we reach a point where people come together and governments work together.

It was a fertile idea to have in OEEC all countries, big and small, rich or poor—even victors and losers of the war—sitting to-

gether as equals among equals to arrange our matters. There should be no question of who was a better friend of the other. It is an unbearable thought to anticipate that today the favor of one partner can be paid for automatically only by the disfavor of another partner. The Common Market is very well on its way to becoming a well-fitting organization of states—mainly in the economic field. In the political and military field there is at least a conviction which is held in common in its basic features. This is so far a benefiting factor. But it will last only if the political structure of Europe will mature at the same time. This structure will not grow automatically out of the progress of economic integration; it makes necessary an original political inclination. Only then can the Common Market get free from the reproach that it discriminates against others. It will not and should not be the idea of a closer cooperation of some countries to do harm to other countries. For myself, I can claim to have pointed out this view at the right time, especially to the United States. The Common Market, after all, will be more than just a customs union, as claim those who look at it as just an enlarged home market. It is a common market and there is nothing—really nothing—which could justify its separation from the outside in the long run. It would be bad if a common market would degenerate to a market which is satisfied with itself. It is not new—and we all were aware of it—that the customs union meant remarkable preferences to its members. But when we strive toward the goal of intensifying the world economy, we must draw our conclusions as early as possible; namely, that a too individual existence of a partnership is basically no better than the isolationism of national economic areas. The faster the economic union progresses, the more it is necessary to remove the pressure for isolation from the outside. On the contrary, the Common Market should make it a point to use every occasion to measure its own power and potential with the outside. Supranational regionalism is worse than a national one, because it comes in a modern package and pretends to have a good conscience. When I ask myself which alternatives we have, my decision is quickly made.

Let us take a look at today's world.

UNCLASSIFIED

"While Europe's position in trade and financial policy is growing stronger all the time, the United States is rendering the major portion of economic and military aid to the free world. Neither today nor in the foreseeable future will Europe be able to take the place of the United States in this respect. If we were aiming at a compensation between Europe and the United States by merely financial means, this would—in the best possible case—be only an interim solution. A harmonic and organic balance of a future world economy could not be guaranteed in this manner. Nothing, therefore, seems more appropriate than to aim at a solution which will become the final solution. We must see to it that the flow of trade corresponds to the flow of capital, that the European governments seriously explore all possibilities of how to make allowance to the desire for mutual assistance in the Atlantic cooperation during the future economic policy negotiations. Even though in connection with Marshall plan aid economic cooperation between peoples is asked for, we are not as shortsighted as to forget that this is only part of the relations between states and countries. Politics have to include all phases of life. And the better politics are able to take care of this, the more peacefully the world and the people in it will be joined. Our future decisions will have to be borne by the inner obligation to assist each other. Under the present obligation and determination for solidarity of the West, politics are a continual giving and receiving. George Marshall wanted to educate us toward this approach.

"During our darkest hour the American nation set an example for us on the meaning of solidarity. Let me, dear Mrs. Marshall (hochverehrte), add a personal confession. I am standing here not only as the chief of the Federal Government but even more as the man, the politician, who was particularly close in the fateful year of the beginning of the Marshall plan to your husband—the personality who has so well deserved of his country and of the whole world, and his associates (let me mention only Paul Hofmann as one out of many).

"I am proud and grateful if I may be convinced to have done justice to the spirit, the conceptions and the aims of George Marshall. If we do not want to perish from history, the name and figure of George Marshall must remain an obligation and an inspiration for the free world, particularly for us Germans. He is unforgotten."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 137) authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 1395) for the relief of Rear Adm. Walter B. Davidson.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9139) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHEPPARD, Mr. SIKES, Mr. CANNON, Mr. JONAS, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9140) making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. KIRWAN, Mr. FOGARTY, Mr. JENSEN, and Mr. PILLION were appointed managers on the part of the House at the conference.

HIGHER EDUCATION FACILITIES ACT OF 1963

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions.

Mr. FULBRIGHT. Mr. President, while I have the floor, I should like to compliment the conferees of the Senate on the bill encompassed in the pending conference report. As I understand the conference report on the Higher Education Facilities Act, this is one of the many education proposals before the Senate. I think this is one of the most important activities to come before the Senate and before the country.

I was quite interested this morning, in a briefing on other subjects, to hear mentioned that our competitors and antagonists, the Russians, are spending almost twice as much of their gross national product on education as this country is.

I predict that history will show that it is in this area that the real struggle will be determined—whether or not we do what needs to be done for the youth of this country in training and preparing them for the kind of world in which we live and shall live.

I compliment the Senator from Oregon for guiding this, and another bill in the same area, to what appears to be completion and enactment. I shall support the conference report. I think this is a very good start, at least, and a good Christmas present for a period when we have long been suffering delay in other legislative matters.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I thank the Senator from Arkansas very much. Senators have just listened to one of the great educators of America, who not only is a former president of the University of Arkansas, but the author of the Fulbright program in the field of education. I do not know of any program passed by the Congress in our generation that has meant so much to so many young people in this country as the Fulbright program.

I appreciate very much his support of the conference report.

Mr. FULBRIGHT. I appreciate the words of the Senator. I realize that in this field, because of other questions, this is an especially difficult matter to get through conference. Not because of the merits of the bill, but for what I could say are irrelevant reasons, although they are not entirely irrelevant, it has been especially difficult to move forward. I think it is a great accomplishment to bring two bills in the field of education to completion just before adjournment.

Mr. ERVIN. Mr. President, I rise for the purpose of urging the Senate to reject the conference report. I do so because, under the parliamentary situation which exists, the Senate cannot ask for another conference with the House on the so-called higher education bill and instruct its conferees to insist upon the retention in another conference of the Cooper-Ervin judicial review amendment until this is done. It would be my

purpose to request a second conference with the House on the bill, and to have the Senate instruct its conferees to insist upon the inclusion of the judicial review amendment, if the Senate should reject the conference report.

The distinguished Senator from Kentucky [Mr. COOPER] and I are deeply grateful to our friend the distinguished senior Senator from Oregon [Mr. MORSE] for the many courtesies which he has extended to us in connection with this matter, and for giving us ample opportunity to advocate the wisdom of adopting our judicial review amendment.

I also appreciate very much the statement the distinguished Senator from Oregon made with reference to our devotion to the cause of education.

As a member of the school board in my hometown, as a member of the North Carolina Legislature, as a member of the boards of trustees of the University of North Carolina and Davidson College, and as a Member of the Congress, I have consistently supported all programs for education, other than the program embodied in the higher education bill. I have opposed this program because I believe that this bill, as it was phrased at the last session of Congress, and as it is phrased at present, gives religious denominations access to the Federal Treasury for the purpose of financing schools owned and operated by them. I conceive this to be a violation of the provisions of the first amendment to the Constitution of the United States which declares that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I say to my good friend the distinguished Senator from Oregon that if I were not convinced that the House would not pass a judicial review bill in this field without some pressure being exerted upon its Members by the Senate, I would agree with him that it would perhaps be a better way to handle the problem to adopt a specific law in the nature of the bill introduced by him and our distinguished colleague the Senator from Pennsylvania [Mr. CLARK]. However, the question whether authorization bills of this nature, and appropriation bills implementing such authorization bills, violate the first amendment to the Constitution has arisen every time one of these bills has been presented to Congress.

The very department which would administer these bills, the Department of Health, Education, and Welfare, has stated that it has grave doubts as to whether a judicial review of this question could be obtained under existing law, because of the decision of the Supreme Court in the case of Massachusetts against Mellon, which is reported in 262 U.S. 447.

When this bill was originally presented to the House drafting subcommittee, it contained a provision for a judicial review of the constitutionality of grants and loans to be made under the bill.

The proponents of the bill in the House waged an all-out effort to remove that provision from the bill in its original form, and were successful in that endeavor. The proponents of the bill have fought on every occasion to make it as certain as they possibly can that there shall be no judicial review of grants or loans to church-owned, operated, or controlled colleges and universities under the provisions of the bill.

Therefore, I believe the only chance that the American taxpayers have to determine whether the provisions in the bill controvene the first amendment, insofar as they apply to church-owned, operated, or controlled colleges and universities, is to have such a provision written into the bill itself.

I am convinced that if a judicial review amendment is not written into the higher education bill, the American taxpayers will have great difficulty in obtaining an adjudication from any court as to whether or not the provisions of the bill authorizing grants and loans to church-owned, operated, or controlled colleges and universities are constitutional under the first amendment to the Constitution.

I do not have any faith that the case now pending in the Maryland court, involving grants or loans of State funds to religious colleges will reach the Supreme Court of the United States. The reason why I have no faith in that taking place arises from the fact that in recent years, namely, since the Everson decision was handed down, State courts have ordinarily held that financial aid from States to religious institutions violates State constitutions, and have ordinarily refrained from passing on the Federal question. I infer this to be so because of the disapproval by State courts of the obviously incorrect determination of the Everson case that the use of State tax moneys to reimburse parents for the cost of transporting their children to church schools does not offend the first amendment.

The only recent State court decision which passed on the Federal question is the case of Swart against South Burlington Town School District. This is a decision of the Supreme Court of Vermont, which is reported in 167 Atlantic, 2d series, at page 514.

The decision in the Everson case, which upheld the State law authorizing reimbursement to parents for the transportation costs they incurred in transporting their children to parochial schools, was a 5 to 4 decision. The majority in the Everson case stated that that State law was at the verge of the Constitution.

If that statute went to the verge of the Constitution, certainly a statute which would authorize the appropriation of hundreds of millions of dollars to construct buildings for church owned or controlled or operated colleges and universities would go far beyond the verge of the Constitution.

I say that the Senate should reject the conference report so that a request may be made for another conference, and so that the Senate conferees may be instructed to insist at the other conference upon the inclusion of the judicial review amendment in the bill. If that is done, the House will know that the Senate wants the question of constitutionality settled, and settled speedily. It it necessary for us to do this if we wish to make it certain that congressional appropriations for educational purposes are consistent with the first amendment.

The great cases dealing with this subject were discussed by the Senator from Kentucky and myself during the consideration of the bill upon its merits. I call attention at this time to only one or two cases dealing with the merits of the situation. I wish to refer briefly to the *Everson* case, 330 U.S. 1, as follows:

> The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. * * * No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state" * * *.

The most recent case dealing with the merits of this subject is Abington School District against Schempp, which was decided on June 19 of this year. I wish to read one passage from that decision.

I read an except from the concurring opinion of Mr. Justice Douglas in the case of Abington School District against Schempp:

> But the establishment clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. Thus, the present regimes must fall under that clause for the additional reason that public funds, though small in amount, are being used to promote a religious exercise. Through the mechanism of the State, all of the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others.
>
> The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the establishment clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.
>
> Such contributions may not be made by the State even in a minor degree without violating the establishment clause. It is not the amount of public funds expended; as this case illustrates, it is the use to which public funds are put that is controlling. For the first amendment does not say that some forms of establishment are allowed; it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the establishment clause become a mockery.

The bill is wholly inconsistent with the declaration made by Mr. Justice Douglas in that statement, because it attempts to divorce the supposed secular activities of church colleges and universities from their religious activities, and to provide for financial support from the Federal Treasury only for their secular activities. As Mr. Justice Douglas said in the Abington case, and as the Supreme Court said in the case of *Zorach* v. *Clauson*, 343 U.S. 306, and *McCollum* v. *Board of Education*, 333 U.S. 203, that cannot be done.

The Supreme Court has held that the first amendment prohibits either the Federal Government or the State government from assisting institutions of learning which blend religious and secular instruction. This being true, the proponents of this bill base their contention of its constitutionality upon the theory that Congress can separate what it calls the nonreligious, irreligious, or unreligious activities of a religious institution from its religious activities and finance the former but not the latter. This is exactly what the Supreme Court has said cannot be done. The constitutionality actually rests upon the question whether the grant or the loan is made to church-owned or controlled or operated college or university.

A number of recent decisions on this subject have been handed down in the State courts. One of the most illuminating of them is the case of Dickman against School District No. 62–C, Oregon City. This decision of the Supreme Court of Oregon is reported in 366 Pacific 2d series 533. The Constitution of Oregon provides that public money may not be used for the benefit of any religious institution. The Supreme Court of Oregon held in this most lucid decision that under that provision it was unconstitutional for the State of Oregon even to furnish secular textbooks to be used for instruction in secular subjects in a religious school.

In the Swart case, to which I alluded a moment ago, the Supreme Court of Vermont held that it was an unconstitutional blending of secular and religious instruction under the first amendment to the Constitution of the United States for the State of Vermont to pay tax moneys to religious schools for providing secular instruction in such schools to high school students. These things being true, it is manifest that the bill offends the first amendment to the Constitution of the United States.

I believe that the able and distinguished Senator from Oregon [Mr. MORSE] puts the same construction on the Mellon case that I do. Some persons construe the Mellon case to reach a ridiculous conclusion. They assert that those who drafted and ratified the Constitution provided that Congress shall make no law respecting the establishment of religion, but decreed that the same Constitution disables Congress from passing any law which would confer upon Federal courts the power to determine whether that prohibition of the Constitution is being violated. With all due respect to those who take that position, I must say that such assertion does not give any credit to the intelligence of those who drafted and ratified the Constitution.

The reason why I say there should be a judicial review amendment written into the bill is the uncertainty that has been engendered in the minds of many persons concerning the interpretation of *Massachusetts* v. *Mellon*, 262 U.S. 447. That decision illustrates the fact that sometimes judges emulate the example of Senators and talk too much.

The only point in this case which has any relevancy for us is the portion of the decision which involves the claim set forth by Mrs. Frothingham, an individual plaintiff. Mrs. Frothingham merely sued as an individual to enjoin the execution of an appropriation of Federal funds for grants to the States for maternal benefits.

She did not sue on behalf of all the taxpayers. She did not sue on behalf of a class of taxpayers. She sued merely for her individual benefit and asked that the appropriation of Congress for this purpose be adjudged a violation of the Constitution. The Court held—and I believe quite properly held—that, under existing laws, applicable to a plaintiff seeking equitable relief in the form of an injunction, she failed to make a case in her complaint.

The relevant portion of the opinion, and the only portion which is not obiter dicta, is to be found on page 487 of the opinion, as follows:

> But the relation of a taxpayer of the United States to the Federal Government is very different. His interest in the moneys of the Treasury—partly realized from taxation and partly from other sources—is shared with millions of others; is comparatively minute and indeterminable; and the effect upon future taxation, of any payment out of the funds, so remote, fluctuating, and uncertain, that no basis is afforded for an appeal to the preventive powers of a court of equity.

When all is said, this decision merely recognizes and enforces the well-established proposition that under existing procedure when a plaintiff seeks injunctive relief in a Federal court, he must show that it is necessary for the court to issue an injunction, as prayed by him, to prevent him from suffering irreparable injury. That is as far as the decision of the Court actually goes.

However, the Court proceeded further to say, by way of dicta, that if one taxpayer could sue to enjoin the execution of one appropriation, other taxpayers could sue to enjoin the execution of all other appropriations, and that this would make it difficult for the Federal Government to operate. When the Mellon case is properly analyzed, however, it simply holds that since the plaintiff showed no standing to sue for equitable relief, she failed to state a cause of action.

The argument that Congress cannot enact a law which would authorize a taxpayer to sue to enjoin the consummation of a specific grant or specific loan is wholly inconsistent with many decisions of the Supreme Court.

Let me call the attention of the Senate to what the Supreme Court said on this point in the case of *Nashville, C. & St. L. Railway* v. *Wallace*, 288 U.S. 249, I read from page 259:

> After the jurisdictional statement required by Rule 12 was submitted, this Court, in ordering the cause set down for argument, invited the attention of counsel to the question "whether a case or controversy is presented in view of the nature of the proceedings in the State court." This preliminary question, which has been elaborately briefed and argued, must first be considered, for the judicial power with which this Court is invested by article 3, section 1, of the Constitution, extends by article 3, section 2, only to "cases" and "controversies"; if no "case" or "controversy" is presented for decision, we are without power to review the decree of the court below.

Mr. President, under this statement a suit which challenges the validity, under the first amendment, of the use of State funds or property for religious purposes constitutes a case or controversy within the meaning of the judiciary article of the Constitution. If this were not so, the Supreme Court could not have reviewed, as it did the State action involved in *Everson* v. *Board of Education*, 330 U.S. 1; *Zorach* v. *Clauson*, 343 U.S. 306; *McCollum* v. *Board of Education*, 333 U.S. 203; *Engel* v. *Vitale*, 370 U.S. 421; and *Abington School District* v. *Schempp*, handed down on June 17, 1963.

So the fact that the Supreme Court reviewed these five cases to determine whether the use of the State funds or State property involved in them violated the first amendment shows that each of them constituted a case or controversy within the meaning of the judiciary article of the Constitution; that is, Article 3.

It is well to remember that the lower Federal courts owe their existence to Congress, and that Congress can confer upon them jurisdiction to determine any case or controversy which involves the construction of a provision of the Constitution of the United States. I could take the time of the Senate to read a great many decisions to show exactly what a case or controversy is within the purview of the judiciary article of the Constitution. A case or controversy arises, under the Constitution of the United States, whenever the interpretation of a provision of the Constitution of the United States is necessary in order to determine conflicting claims of rights of adverse litigants.

Those who deny the power of Congress to provide for a judicial review of the constitutionality of grants or loans to church-owned or church-operated or church-controlled colleges or universities base their claim fundamentally on the proposition that no one has standing to sue.

As I construe the statements of the distinguished Senator from Oregon [Mr. MORSE] and the provisions of the bill which he and the Senator from Pennsylvania [Mr. CLARK] have introduced, which calls for such judicial review, I infer that he does not accept this conclusion, but, instead, accepts the conclusion that Congress can authorize a suit to be brought to determine this question.

Mr. MORSE. Mr. President, will the Senator from North Carolina yield?

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. ERVIN. I yield.

Mr. MORSE. The Senator from North Carolina correctly states my position.

Mr. ERVIN. Yes; that is what I understood.

Mr. MORSE. That is why I think the Morse-Clark bill should be passed.

Mr. HILL. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. HILL. Then why not put that provision in this bill?

Mr. ERVIN. That is exactly what I say should be done; and that is where the Senator from Oregon and I disagree as to what is the wise thing to do.

Mr. HILL. The Senator from North Carolina wants to lock the door before the horse gets out; is that correct?

Mr. ERVIN. Yes, whereas the Senator from Oregon wants to lasso the horse after it has gotten out on the range—and on the range controlled by the House of Representatives, rather than by the Senate.

Mr. MORSE. The reason why I am not in favor of putting that provision in this bill is that I try to be an apt student of my great parliamentary teacher, the Senator from Alabama [Mr. HILL]. I know very well what would happen to this proposed legislation if we tried to proceed in that way. But I think in due course of time we will pass the Morse-Clark bill.

Mr. ERVIN. I hope so, because I believe it is a well-phrased bill. But I believe we would have to convert a majority of the 435 Representatives before we could secure passage of the bill. I am *not so certain* that they are susceptible to conversion on this specific point.

Mr. HILL. When the Senator says, "In due course of time," how much time is that? Has not provision been in the Constitution since 1787?

Mr. ERVIN. It was written in as the first amendment.

Mr. HILL. Yes, which was adopted very shortly after ratification of the Constitution.

Mr. ERVIN. In 1791.

Mr. HILL. In 1791?

Mr. ERVIN. The amendment was drawn up by the Congress which assembled in 1789.

Mr. HILL. The amendment became effective in 1791; is that not correct?

Mr. ERVIN. That is correct.

Mr. HILL. That is 172 years ago.

Mr. ERVIN. It was written in the first amendment because the people of many States—notably the States of Maryland, Massachusetts, New York, North Carolina, South Carolina, Georgia, and Virginia—had been fighting over that very question before and after the Revolutionary War. The people wrote the amendment into the Constitution to put an end to that fight. I do not believe we should have to wage that same fight in the year 1963, since the question was supposed to have been settled in 1791, when the first amendment was written into the Constitution. But we shall have to renew and repeat the controversy at every session of Congress unless the Federal courts place an authoritative interpretation upon the establishment of religion clause of the first amendment.

Mr. HILL. Action was taken under the leadership of Thomas Jefferson and James Madison, was it not?

Mr. ERVIN. Exactly. James Madison drew the first amendment in order to make clear that what the people of Virginia had written into the Virginia Statute for Religious Liberty should be a part of the Constitution of the United States; namely, that people should not be taxed to support the dissemination of religious opinions which they did not believe.

Mr. HILL. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. ERVIN. I am glad to yield.

Mr. HILL. James Madison carried forward the effort to a successful conclusion and victory. He got into a battle which Thomas Jefferson had been waging prior thereto, is that not true?

Mr. ERVIN. That is true. Thomas Jefferson had been fighting for a number of years to have the Virginia Statute of Religious Liberty written into the law of Virginia. It was a long fight, which started about 1776 when Virginia drew up its first constitution—after the Revolutionary War had started. Jefferson and Madison did not win the battle until 1784. It took them 7 years to win. We do not wish to spend 7 more years trying to persuade the House to adopt an amendment which would bring about a determination as to whether the House and Senate are violating the Constitution of the United States in passing bills of this nature.

Mr. HILL. The Senator will recognize as true, I am sure, that if the Ervin Cooper amendment were retained in the conference report, certain persuasion in behalf of the amendment would result which would not perhaps be available if the bill to which the Senator from Oregon has referred went to the House by itself.

Mr. ERVIN. The amendment would certainly operate both as a carrot and as a stick to persuade the House of Representatives to act in what I consider to be a righteous manner. There is nothing strange in the Cooper-Ervin amendment. As a matter of law, the amendment is virtually similar in all respects save one to a rule of procedure which has prevailed in Federal courts of equity from time immemorial. I refer to the procedure permitting class suits which was originally embodied in the Federal Equity Rules, and which is now incorporated in rule XXIII of the Rules of Civil Procedure prescribing the procedure of Federal district courts.

I ask unanimous consent that subsection (a) of rule XXIII of the Rules of Civil Procedure governing Federal district courts may be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

RULE 23. CLASS ACTIONS

(a) Representation: If persons constituting a class are so numerous as to make it impracticable to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all may, on behalf of all, sue or be sued, when the character of the right sought to be enforced for or against the class is—

(1) joint, or common, or secondary in the sense that the owner of a primary right refuses to enforce that right and a member of the class thereby becomes entitled to enforce it;

(2) several, and the object of the action is the adjudication of claims which do or may affect specific property involved in the action; or

(3) several, and there is a common question of law or fact affecting the several rights and a common relief is sought.

Mr. ERVIN. Mr. President, the only substantial difference between that rule, which permits the bringing of class actions in instances when all the members of a class having a common interest in the same question of law are too numerous to be brought into court and the Cooper-Ervin amendment is that under rule XXIII of the Federal Rules of Civil Procedure, the jurisdictional amount of $10,000 must be involved between each plaintiff and the defendant. Consequently the Cooper-Ervin amendment, for all practical purposes, would merely amend rule XXIII, so as to eliminate the requirement that the jurisdictional amount must be shown to exist between each plaintiff and the Federal Commissioner of Education.

So the Cooper-Ervin amendment is entirely in harmony with rule XXIII, which is nothing but a reembodiment of the previous Federal equity rule giving the Federal district courts jurisdiction of class actions.

There is clearly a case or controversy within the meaning of the judiciary article of the Constitution in any claim by a taxpayer that a Federal official, whom he seeks to sue, is expending tax money in violation of the provisions of the first amendment. By our amendment we merely seek to make certain that the taxpayer suing for himself and all other taxpayers shall have what we call standing to bring suit.

The courts have held in a number of cases that if a controversy between adverse claimants involves the interpretation of a provision of the Federal Constitution, a provision of an act of Congress, or a provision of a treaty, Congress has the power to confer upon the Federal courts jurisdiction to determine such controversy.

In many instances Congress has authorized the Federal Government to bring suit in cases in which the Federal Government has no pecuniary interest, insofar as the old doctrines of equity are concerned, and in which the Federal Government would not have power to bring such suit except for the act of Congress.

I wish to call attention, among other things, to the provisions of the Taft-Hartley Act, which allow the Attorney General to bring a suit on behalf of the

United States to postpone a strike which would threaten injury to the national health or safety.

I ask unanimous consent that a copy of the pertinent part of this statute be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

178. Strikes subject to injunction; inapplicability of sections 101–115 of this title; review.

(a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of sections 101–115 of this title, shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate United States court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 346 and 347 of title 28. (June 23, 1947, 3:17 p.m. EDT, ch. 120, title II 208, 61 Stat. 155; June 25, 1948, ch 646 32(a), 62 Stat. 991; May 24, 1949, ch. 139, 127, 63 Stat. 107.)

Mr. ERVIN. The Supreme Court of the United States held that that statute is valid; that the citizens of the United States have a basic interest to have unimpeded for a period of time production in industries vital to the national health and safety; and that Congress can give the Attorney General standing to sue in the name of the United States to protect this interest of the citizens. The Supreme Court so held in *Steelworkers* v. *United States*, 361 U.S. 39. I read from page 43 of the opinion in that case:

But the statute does recognize certain rights in the public to have unimpeded for a time production in industries vital to the national health or safety. It makes the United States the guardian of these rights in litigation.

A very interesting case on this point is the decision of the Supreme Court in *United States* v. *Raines*, 362 U.S. 27, which interprets the provision of the Civil Rights Act of 1957 authorizing the Attorney General to sue to vindicate the private constitutional rights of citizens who are denied the right to register and vote. I call attention to this statement by the Supreme Court in that case:

It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights, but there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

There is another interesting case on this point which holds that Congress can confer upon the Federal courts jurisdiction to entertain a suit in which a State challenges the constitutionality of the provisions of the Hatch Act insofar as the act requires the reduction of grants to the States for highway purposes for violation of the provisions of that act.

I refer to the case of *Oklahoma* v. *Civil Service Commission*, 330 U.S. 127. In this case the Court held that Congress acted within its constitutional authority to regulate the jurisdiction of the Federal courts when it enacted section 12(c) of the Hatch Act, conferring upon States the power to challenge the constitutionality of provisions of the Hatch Act decreasing grants to States for retaining in their service State employees guilty of violating the Hatch Act.

Since a grant is something in which nobody has any property right of any character, this case is a recognition of the constitutional power of Congress to confer a standing to sue upon a legal entity; namely, a State, even in the absence of any title to moneys which are to be covered by a prospective grant out of the Federal Treasury.

We find, upon consideration of recent decisions of the Supreme Court of the United States, that the Court has recognized that not only can Congress confer upon the Federal Government the right to sue as guardian of the legal rights of citizens of the United States and upon the State the legal right to sue for the purpose of securing the full amount of a prospective grant to the State, but also that Congress can confer such a right upon individuals, having no property right in the subject of the action. One of the most interesting cases on this point is *Anti-Fascist Committee* v. *McGrath*, 341 U.S., 123. In this case there is a very illuminating concurring opinion by Justice Frankfurter, who states on page 151 that:

Adverse personal interest, even of such an indirect sort as arises from competition, is ordinarily sufficient to meet constitutional standards of justiciability. The courts may therefore by statute be given jurisdiction over claims based on such interest.

Justice Frankfurter said further, on page 152 of his concurring opinion:

A litigant ordinarily has standing to challenge governmental action of a sort that, if taken by a private person, would create a right of action cognizable by the courts. Or standing may be based on an interest created by the Constitution or a statute.

There are at least two decisions sustaining the power of Congress to confer upon an individual who has no property right the power to litigate a matter involving Federal law in the Federal courts. I refer to Commission against Sanders Radio Station, reported in 309 U.S. 470, and Scripps-Howard Radio against Commission, reported in 316 U.S. 4. I wish to read two extracts from the second of these cases:

The Communications Act of 1934 did not create new private rights. The purpose of the act was to protect the public interest in communications. By section 402(b)(2) Congress gave the right of appeal to persons "aggrieved or whose interests are adversely affected" by Commission action. But these private litigants have standing only as representatives of the public interest.

That a court is called upon to enforce public rights and not the interests of private property does not diminish its powers to protect such rights.

If Congress can confer upon a mere applicant for a radio license or a prospective competitor of such an applicant statutory standing to sue as representatives of the public interest as it did in the Communications Act of 1934, it certainly can confer upon taxpayers the statutory power to sue to prevent the disbursement of tax moneys to church owned, operated, or controlled colleges or universities in violation of the first amendment.

I respectfully submit that the decisions I have cited sustain the proposition that whenever there is an actual controversy between a taxpayer and a Federal officer that the Federal officer is disbursing Federal tax moneys in violation of the Constitution, a controversy exists within the meaning of the judiciary article, and Congress has the power to confer a statutory power to sue the Federal officer upon any one individual taxpayer who has sufficient interest to apply to the Federal court to obtain an interpretation of the relevant constitutional provision and to prevent the disbursement of Federal tax moneys contrary to such provision.

There is a rather intriguing decision of the Circuit Court of Appeals for the second circuit in the case of *Associated Industries* v. *Ickes*, 134 Fed. 2d 694. This case involved an interpretation of the Bituminous Coal Act of 1937, and the opinion was written by Circuit Judge Frank. He says, at page 704:

While Congress can constitutionally authorize no one, in the absence of an actual justiciable controversy, to bring a suit for the judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon Government officers, it can constitutionally authorize one of its own officials, such as the Attorney General, to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority, in such a controversy, to vindicate the interest of the public or the Government. Instead of designating the Attorney General, or some other public officer, to bring such proceedings, Congress can constitutionally enact a statute conferring on any nonofficial person, or on a designated group of nonofficial persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private attorney generals.

It is very interesting to note the statements dealing with this question by Dr. Bernard Schwartz, author of the most recent commentary on the Constitution of the United States, bearing the title "The Powers of Government."

I ask unanimous consent that a portion of Dr. Schwartz' book, volume 1,

beginning at page 459, and ending at page 462, be printed at this point in the RECORD as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SAME: STATUTORY STANDING

In *Massachusetts* v. *Mellon*, we saw, a State was held without standing to challenge the validity of a Federal statute appropriating moneys to be paid to the States for maternity benefits. In the more recent case of *Oklahoma* v. *Civil Service Commission*, on the other hand, a State was ruled to possess standing to attack the constitutionality of a Federal law providing for the withholding of Federal grants from States which refused to remove State officers who took an active part in political management or political campaigns. The relevant Federal agency had found that a member of the Oklahoma Highway Commission had engaged in the proscribed political activities and issued an order directing his removal. This order foreshadowed, if he were not removed, a further order that Federal highway grants be withheld from Oklahoma in an amount equal to 2 years' compensation of the State officer concerned.

Oklahoma brought an action in the Federal courts seeking review of the order which had been issued, asserting the unconstitutionality of the statute under which it had been made. Interestingly enough, the constitutional claim was essentially similar to that urged in *Massachusetts* v. *Mellon*—namely, that the Federal statute, so far as it attempted to regulate the internal affairs of a State, was an invasion of the rights reserved to the States under the Constitution. Yet, as already stated, Oklahoma, unlike Massachusetts in the earlier case, was held to have standing to raise this constitutional issue.

The sharp difference in result as between *Massachusetts* v. *Mellon* and *Oklahoma* v. *Civil Service Commission* may be explained by the fact that the Federal statute in the latter case contained an express provision authorizing judicial review of any order issued under it by any party aggrieved. The Supreme Court ruled that a State like Oklahoma was such a party within the congressional intent and that, under the statutory review provision, it could attack the constitutionality of the statute. As the Court put it, "By providing for judicial review of the orders of the Civil Service Commission, Congress made Oklahoma's right to receive funds a matter of judicial cognizance. Oklahoma's right became legally enforceable. Interference with the payment of the full allotment of Federal highway funds to Oklahoma made the statutory proceeding to set aside the order a case or controversy between Oklahoma and the Commission whose order Oklahoma was authorized to challenge.

If the standing of the party initiating a constitutional action is essential to the existence of a "Case" or "Controversy" under article III, how can a statutory provision confer standing where, under *Massachusetts* v. *Mellon*, none would otherwise exist? And how can the Supreme Court say that the statutory proceeding makes for a "Case" or "Controversy" over which the judicial department has jurisdiction, when no such jurisdiction could constitutionally be exercised in the absence of the statutory standing provision?

In a suggestive opinion, Justice Douglas has implied that a statutory standing provision may not go so far as to make for a "Case" or "Controversy," where none would otherwise exist. According to him, unless one seeking to challenge a governmental act "can show that his individual interest has been unlawfully invaded, there is merely damnum absque injuria and no cause of action on the merits. * * * On that assumption I fail to see how an appeal statute constitutionally could authorize a person who shows no case or controversy to call on the courts to review an order of the Commission."

From the point of view of strict logic, it is difficult to rebut the Douglas position on the congressional power to confer standing where none would otherwise exist. The only answer which the Supreme Court has given to such position was expressed in the majority opinion in *Scripps-Howard Radio* v. *Federal Communications Commission*—the case in which the Douglas opinion quoted from was delivered in dissent. Referring there to the standing conferred by the Communications Act of 1934 to seek review of governmental action taken under that statute, the Scripps-Howard opinion states that the Act "did not create new private rights. The purpose of the Act was to protect the public interest in communications." That being the case, those private litigants whom the Comunications Act permitted to bring review actions "have standing only as representatives of the public interest."

What the High Bench is saying in Scripps-Howard is that, in an action brought to challenge the validity of governmental action, "the rights to be vindicated are those of the public and not of the private litigants." That is the case even though, in our system, the public interest in maintenance of the rule of law is normally vindicated in an ordinary lawsuit instituted by private litigants. "That a court is called upon to enforce public rights and not the interests of private property," said the Court, "does not diminish its power to protect such rights."

If, under Scripps-Howard, the action to secure judicial review of the validity of a governmental act vindicates the public interest, it should follow that the legislative department, as the representative of the public, can delegate the task of vindicating such public interest as it chooses. If it sees fit, it can confer such task upon some public official, such as the Attorney General, or even upon some private litigant, who might not otherwise possess standing.

The approach just expressed has been best articulated judicially in a remarkable opinion on the subject by Judge Jerome Frank. As he puts it: "While Congress can constitutionally authorize no one, in the absence of an actual justiciable controversy, to bring a suit for the judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon Government officers, it can constitutionally authorize one of its own officials, such as the Attorney General, to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority, in such a controversy, to vindicate the interest of the public or the Government. Instead of designating the Attorney General, or some other public officer, to bring such proceedings, Congress can constitutionally enact a statute conferring on any nonofficial person, or on a designated group of nonofficial persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private Attorneys General."

As seen in section 165, the United States has a direct interest in insuring compliance with the organic instrument. That being the case, an action seeking to insure such compliance, brought by a Federal official, such as the Attorney General, who is duly authorized by the Congress to institute such action, presents a justiciable controversy. Following the Frank view, Congress may, instead of designating the Attorney General, or some other public officer, to bring such action, enact a statute conferring upon some private citizen authority to bring suit. When such a suit is brought, such "private attorney general" is vindicating, not his own personal interest (which may not be affected at all by the governmental act which is challenged), but that of the public, asserted in accordance with the governing provision enacted by the people's representatives. If that is true, there is still an actual controversy whenever the public interest is asserted by a duly authorized congressional delegate.

If the Frank approach just outlined is followed, it makes for a different result in a case like *Muskrat* v. *United States*, discussed in section 156. There the Supreme Court ruled that it was beyond the judicial power to entertain what was essentially a test case framed by the Congress. The legislative department was held without authority to create a "case" or "controversy" by statute merely by stating a constitutional issue and designating parties who might raise it. Under the Frank approach just discussed, such a congressional statute could be sustained on the theory that those designated possess the standing of "private attorneys general" vindicating the congressional interest in insuring compliance with the basic document.

Mr. ERVIN. Mr. President, I invite attention to footnote 933, which is appended to that portion of Dr. Schwartz' commentary which appears at page 382 of volume 2 of his most illuminating work. He gives this footnote:

Under this approach, proposed statutes authorizing taxpayers to sue to challenge Federal aid to education, where, under *Massachusetts* v. *Mellon* and *Frothingham* v. *Mellon*, no one would otherwise have standing, would be valid.

The judicial review amendment offered by the distinguished Senator from Kentucky [Mr. COOPER] and myself is a simple amendment. It would make certain that there would be no delay in bringing such actions, because it provides that before making a specific loan or grant under the bill, the Federal Commissioner of Education must publish in the Federal Register a notice of his intention to do so.

The bill provides that any taxpayer who desires to contest the constitutionality of the proposed loan or grant may sue to determine its constitutionality in a suit which must be brought before the date specified by the Federal Commissioner of Education in the notice which he publishes in the Federal Register. The taxpayer can bring the suit in behalf of himself and other taxpayers against the Federal Commissioner of Education only, and he must bring it in the District Court of the United States for the District of Columbia.

This provision is to prevent the Federal Commissioner of Education from being harassed by suits throughout the United States.

The amendment undertakes to prevent a multiplicity of suits even in the District Court of the United States for the District of Columbia. To this end, it provides that if two or more suits are brought to challenge the constitutional validity of the same proposed grant or

loan, the District Court can consolidate all such suits for the purpose of a single trial and judgment.

The amendment would take care of any proposed loan or grant to a specific college by providing that when the suit is brought, the Federal Commissioner of Education shall hold the amount of the proposed loan or grant in escrow until the suit is determined.

Under an existing statute, any decision adverse to the Federal Commissioner of Education could be appealed directly to the Supreme Court of the United States, without first being heard by the Court of Appeals of the District of Columbia.

Such direct appeal would lie from a decision adverse to the Federal Commissioner of Education under the provisions of section 1252 of title 28 of the United States Code.

I ask unanimous consent to have a copy of this statute inserted at this point in the RECORD as a part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

United States Code, title 28, page 5012:

1252. Direct appeals from decisions invalidating acts of Congress

Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States, the U.S. District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands and any court of record of Hawaii and Puerto Rico, holding an act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

A party who has received notice of appeal under this section shall take any subsequent appeal or cross-appeal to the Supreme Court. All appeals or cross-appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

Mr. ERVIN. Mr. President, to recapitulate, in my considered judgment, it is necessary to have the Cooper-Ervin amendment, providing for judicial review, inserted in the higher education bill before it is enacted into law. I say this because I have no hope that we shall be able to obtain enactment, within any reasonable period of time, of a separate bill providing for judicial review of the constitutionality of the loans or grants authorized by the bill.

The amendment is simple. It provides for speedy trial. It prevents a multiplicity of actions. It prevents the Federal Commissioner of Education from being harassed by suits all over the country. It provides, in harmony with existing law, that any decision which is adverse to the Federal Commissioner of Education with respect to any particular proposed loan or grant can be reviewed directly by the Supreme Court of the United States, without intervention by the Court of Appeals of the District of Columbia.

I do not believe a more simple, direct, adequate, or speedy method of obtaining a Court review can be obtained than that set forth in the Cooper-Ervin amendment.

Regardless of how they may view the question of whether grants or loans should be authorized by the bill to church owned, controlled, or operated colleges or universities, Senators should join in voting down the conference report and requesting a new conference, and insisting on the insertion of the amendment in the bill. This is true because we ought not to legislate in constitutional darkness; we ought to legislate in constitutional light. Then we shall know how far we can go, and what appropriations are valid, and what appropriations, if any, are invalid.

It seems to me that Senators, who have taken an oath to support the Constitution of the United States should favor the judicial determination, as provided in the amendment, of this grave constitutional question, so that they may not have to argue again the question that Thomas Jefferson thought had been resolved when he persuaded the Virginia Legislature to adopt the Virginia statute for religious liberty, and which James Madison thought had been resolved when the first amendment was written into the Constitution.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MORSE. First, I apologize for having left the Chamber three times when the Senator from North Carolina was speaking; but it was only because I had to answer official calls. I did not want to miss any of the Senator's legal views.

With reference to the legal argument of the Senator from North Carolina, he does not find the Senator from Oregon in disagreement.

I shall do the best I can to see to it that that legal argument is put to work when the hearings are held on the Morse-Clark judicial review bill. If the Senate votes down the Senator's motion this afternoon—as I pray it will—I wish the Senator from North Carolina to know that I believe he should open the hearings as the first witness on the Morse-Clark bill.

Mr. ERVIN. I thank the Senator. I appreciate his remarks. One reason why I made my presentation was to call to the attention of Senators the fact that there are some Members of the Senate and some news commentators who do not agree with the Senator from Oregon and me on the constitutional power of Congress to enact a statute such as the judicial review amendment, proposed by the Senator from Kentucky and myself, or a statute conforming to the bill introduced by the Senator from Oregon [Mr. MORSE] and the Senator from Pennsylvania [Mr. CLARK].

Mr. COOPER. Mr. President, the distinguished senior Senator from North Carolina has very generously referred to the motion under discussion as the Cooper-Ervin amendment. In truth, the senior Senator from North Carolina developed the amendment to the bill which I cosponsored, providing for judicial review, and which it is hoped will be adopted by the Senate and by the conference, if our initial motion to reject the conference report should be adopted.

When the bill was before the Senate in October, the Senator from North Carolina and I discussed at great length and in detail the history and background of the first amendment, which led him to the belief, as it has led me, that the provision of general aid to church schools in the bill before the Senate is unconstitutional. We gave our reasons for the support of the amendments which had been offered by us and which have been referred to as the Ervin-Cooper amendments.

Therefore, today I do not intend to deal at great length with the same subject matter.

Nevertheless, I believe it is important to provide some background for the situation which faces Senators today.

I have the highest regard for the senior Senator from Oregon, as he knows, not only for his devotion to education, but also for his great legal ability. I am appreciative that the Senator from Oregon has referred so kindly to my interest and devotion to the cause of education. I had the honor of serving as a member of the Committee on Labor and Public Welfare with the Senator from Oregon, under the leadership of the Senator from Alabama [Mr. HILL]. It was my happy privilege to participate in the development of several bills in aid of education which were enacted, among them, notably, the National Defense Education Act. In 1947, I joined with Senator Taft in sponsoring one of the first bills designed to provide assistance to States for elementary schools which passed the Senate. Again, in 1953, I introduced a similar bill, which was accepted by the committee, but was not acted upon by the Senate.

It is difficult for me to oppose an education bill, for I believe that education is one of the most important problems before the Nation.

I know that our colleges are in difficulty, whether they be public, or private, or religious. They need additional funds for the construction of facilities and for their teachers. Church colleges contribute to the richness of our educational system, and to its spiritual values, and without them our educational system could not be as full, as rich, and as helpful to our free system, and to our society.

All of these realities make it difficult to oppose this bill, as one thinks of the great needs of our educational institutions and their importance to our country.

Nevertheless, we are faced, as I see it, with the question—not a simple question, but certainly a direct question—whether Congress has the authority to provide tax funds to church schools.

I should like to have inserted in the RECORD at this point a table from the Educational Directory, 1962–63, part 3, Higher Education, U.S. Department of Health, Education, and Welfare, page 13, providing statistics concerning the number of public institutions of higher learning, and denominational institutions of higher learning in our country over a period of years.

The figures for 1962–63 indicate that there were 482 Protestant schools, 435

Roman Catholic schools, and 25 others. A footnote states that the 25 include Greek Orthodox, interdenominational, Jewish, Latter-day Saints, Russian Orthodox, and one Unitarian. I believe this table will show that the problem of aid to church schools cuts across the whole framework of all our denominations, not merely one or two.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Public and denominational institutions of higher education in the United States, 1938–63

Year	Total	Public		Private				
		State	District or city	Independent of church	Denominational			
					Protestant	Roman Catholic	Jewish	Other
1962–63	2,100	398	345	515	482	335		[1] 25
1961–62	2,040	393	328	512	475	308		[2] 24
1960–61	2,028	389	314	520	496	303	6	
1959–60	2,011	387	311	520	494	294	5	
1958–59	1,957	386	291	509	486	280	5	
1953–54	1,851	367	279	486	471	243	5	
1948–49	1,728	362	206	466	472	217		
1943–44	1,702	360	201	453	480	208		
1938	1,686	352	196	445	502	190		

[1] Includes 1 Greek Orthodox, 9 interdenominational, 8 Jewish, 6 Latter-day Saints, 2 Russian Orthodox, and 1 Unitarian.
[2] Same as note 1 except as follows: 6 Jewish, 5 Latter-day Saints.

Mr. COOPER. Mr. President, all of us are familiar with the first amendment to the Constitution, which provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

The first amendment was directed against the Federal Government, and against the Congress. The 14th amendment has made the 1st amendment effective against the States.

One cannot find many decision of the Supreme Court, except in recent years, interpreting the first amendment as it related to action by the Congress, or by the States. As I said when I spoke in October, I believe there is good reason for this.

The States abandoned the early practice of establishing State churches, which, *curiously* enough, was the practice of some of the original colonies in the early days of our Republic. Many States adopted constitutional prohibitions against aid to church schools.

The question of Federal aid to church schools has not been directly before the Court.

I believe that one of the reasons it has not reached the Supreme Court is that Congress has respected the prohibition of the first amendment until it acted upon this bill, which provides full aid to church schools.

A second reason is that there is great difficulty in bringing congressional action before the Supreme Court for a constitutional decision—unless the Congress adopts the amendment offered by Senator ERVIN and myself.

I shall not attempt to cover the entire judicial history of the Supreme Court's interpretation of the first amendment, but in the Everson case, which brought in issue the constitutionality of the use of State tax funds, the Supreme Court determined the basic principle. It stated the constitutional principle to be this:

> No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt, to teach or practice religion.

The Supreme Court, by a decision of 5 to 4 in the Everson case, upheld the use of State tax funds for the transportation of pupils to parochial schools. The Court made its decision upon the ground that tax funds were not provided for the general use of church schools, but were of direct benefit to the child, and only incidentally beneficial to the school itself.

In a number of cases since that time, the Supreme Court has upheld the principle of the Everson case again and again. In the recent Prayer cases—and while many may disagree with that decision it is, nevertheless, the decision of the Supreme Court—one of the grounds upon which the Court held that religious exercises could not be conducted was that the school building was constructed by tax funds and, therefore, such exercises fell within the prohibition of the first amendment. If religious exercises cannot be held in a school building constructed by taxes, I submit it is incongruous for the Congress to provide literally hundreds of millions of dollars to church colleges to build practically any building, even to start a church college.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MILLER. Was there not another factor present in that decision, besides the recital of a prayer or the reading of the Bible in a building constructed by public funds? Was it not that attendance in that building by the students concerned was compulsory?

Mr. COOPER. Yes, I appreciate the Senator's comment. I have used the prayer decisions as an illustration. I do not wish to enter into a discussion of the prayer issue.

Mr. MILLER. I thought I should point out that other factors were present.

Mr. COOPER. Actually, the Supreme Court said there were only two factors: First, the direction of a prayer by a State; and, second, the use of a school building erected by tax funds. So I should have to disagree with the Senator from Iowa to the extent that compulsory attendance was a ground of the decision. I have just read the decision again, for perhaps the 50th time.

Mr. MILLER. When the Court spoke about a school constructed by public funds, it was not talking about a school at which attendance was voluntary; it was talking about a school at which attendance was mandatory.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield for a question on that point?

Mr. COOPER. I yield.

Mr. ERVIN. When all is said and done, does not this question come down basically to taxation; and is not all taxation compulsory?

Mr. COOPER. The Senator is correct.

We are dealing with a bill which provides large sums for grants and loans for the general purposes of public and private colleges and universities, including church schools. Without question, tax funds are to be used. Without question, if the bill is enacted, and if no means are provided to determine the constitutionality of the use of such funds, they will be made available to church-related schools for their general purposes.

In view of the unbroken line of decisions of the Supreme Court relating to the use of State tax funds, I believe it would be only right and proper that Congress adopt this necessary amendment which Senator ERVIN and I propose to permit the Supreme Court, if there is any question, to determine whether the grant or loan of public tax funds to church colleges is constitutional.

And may I say: We are not facing this question without landmarks, without signposts, held up for us to see.

I shall call attention to some of these signposts. They have been provided by the Supreme Court during the past 16 years. I start with the Everson case, in which the question presented was the use of State tax funds for a very limited purpose—to pay for the transportation of students to parochial schools. The Court laid down the general principle in these words:

> No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called or whatever form they may adopt, to teach or practice religion.

In that case, the Court itself said, in approving the use of tax funds for the purpose of transportation by a 5 to 4 vote, that it went to the verge of constitutionality. In dealing with the use of State tax funds cases since then, the constitutional principle of the Everson case has been affirmed.

In a later case, Zorach against Clauson, Justice Douglas stated:

> The Government may not finance religious groups, nor undertake religious instruction, nor blend secular sectarian education, nor use secular institutions to force one or some religion on any person.

The provision in this bill which attempts to separate the use of tax funds, prescribing they may not be used for the construction of classrooms where religious subjects are taught, does not avoid the language I have just quoted, relating to an institution in which there is a

blending of secular and nonsecular instruction.

Now I come to the case of School District of Abington Township, Pennsylvania, and others, against Edward Lewis Schempp, and others, and William J. Murray III, and so forth, and others, petitioners, against John N. Curlett, president, and others, individually and constituting the Board of School Commissioners of Baltimore City, decided June 17, 1963. This is one of the decisions concerning religious exercises in public tax-supported schools. I do not attempt to argue the substance of the prayer cases; but in this case, in which the decision was 8 to 1, the opinion written by Mr. Justice Clark has this to say:

These regimes violate the establishment clause in two different ways. In each case the State is conducting a religious exercise; and, as the Court holds, that cannot be done without violating the "neutrality" required of the State by the balance of power between individual, church, and state that has been struck by the first amendment. But the establishment clause is not limited to precluding the State itself from conducting religious exercises. It also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone. Thus, the present regimes must fall under that clause for the additional reason that public funds, though small in amount, are being used to promote a religious exercise. Through the mechanism of the State, all the people are being required to finance a religious exercise that only some of the people want and that violates the sensibilities of others.

The most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the establishment clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

Such contributions may not be made by the State even in a minor degree without violating the establishment clause. It is not the amount of public funds expended; as this case illustrates, it is the use to which public funds are put that is controlling. For the first amendment does not say that some forms of establishment are allowed; it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the establishment clause become a mockery.

This language is found in the decision of the Court on June 7, 1963. It is dictum, but it warns the Congress as well as the States.

I can only say that we will not make our decision today blindfolded. We have before us these recent decisions of the Supreme Court.

Today, the Senator from North Carolina and I are endeavoring to persuade the Senate to vote to give the Supreme Court a chance to pass upon this constitutional question. That is important, because for the first time we are embarking upon a program which will lead to the expenditure of billions of dollars to assist church and public schools, when we cannot adequately provide for public schools.

If it is constitutional, I would have no opposition to this proposal, because I realize the importance of education, which has been one of my great interests all my life and also throughout my service in Congress. As I have stated, I have had the opportunity to serve as a member of the board of trustees of a public institution—the University of Kentucky; and as a member of the board of trustees of a church-related college, which I attended for a year; and as a member of the Yale Council. Perhaps this measure would affect all of them. Certainly this principle is at stake.

With the decisions of the Supreme Court available to us—prohibiting the use of State tax funds for the general purpose of church schools—it would be a travesty if Congress were to permit a bill such as this one, which would provide hundreds of millions of dollars, to be enacted without providing the Supreme Court authority to determine whether Congress can constitutionally appropriate funds for this purpose.

We have passed bills which I have helped write, and I have supported, providing scholarships regardless of the colleges or universities the recipients atated. I think such bills are constitutional, for they go to the direct benefit of the individual who makes his or her free choice of college or university.

I have helped write, and I have supported, college housing bills, because I believe they provide direct benefits to the students. I believe the principle would also apply to church hospitals, for their first purpose is the benefit of their patients.

But this bill is the first of its kind. It proposes general loans and grants to church colleges. Under all the decisions of the Supreme Court, I do not see how we can possibly permit this measure to be passed without providing the Supreme Court authority to pass upon its constitutionality.

I hope very much that the motion of the Senator from North Carolina [Mr. ERVIN] and myself will be agreed to.

If it is not, I hope the Supreme Court will examine the issue in a much broader way than it did in the case of Massachusetts against Mellon, in which the Court decided there was no justiciable issue on which it could decide the constitutional question. As the Court was willing to decide the prayer cases upon the constitutional question, I hope very much that regardless of the action Congress may take upon our motion, the issue will come before the Supreme Court; that the Court will go to the merits; that it will take the position that a justiciable issue is presented under the first amendment; and that it will determine whether the type of aid provided in this bill is prohibited by this first amendment, so that the Congress will know the path to travel.

I am sorry the opposition, whether in the Senate or House, are not willing to open up this path, and provide the Supreme Court with the express authority to pass upon this issue arising under the first amendment.

We are indebted to the Senator from North Carolina [Mr. ERVIN] for his presentation of this matter; and I believe that the people of the country are likewise indebted to him.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. ERVIN. I commend the Senator from Kentucky for his fine argument, and also for his presentation of the merits of this question in October. In my judgment, he merits the thanks of the American people for his endeavor to fight for the presentation of what Mr. Justice Jackson said is one of the most basic rights; namely, the right not to be taxed for the support of activities which contravene the first amendment.

Mr. HILL. Mr. President, I regret to find myself in disagreement with my distinguished friend, the Senator from Oregon [Mr. MORSE]. He knows the high regard in which I hold him and his work and his efforts in behalf of education. However, I feel that the pending conference report is directly in violation of the Constitution and is a complete negation and defeat of the fundamental principle of the separation of church and State.

I wish to associate myself with the very able and excellent presentations made this afternoon by the distinguished Senator from North Carolina [Mr. ERVIN] and the distinguished Senator from Kentucky [Mr. COOPER]. The distinguished Senator from North Carolina is one of the ablest lawyers with whom I have been privileged to serve in my long years in this body. Formerly, he was a justice of the Supreme Court of North Carolina. He has carefully studied this question and has given to it his devoted and indefatigable efforts. He has presented to the Senate the cases from the courts, showing how clearly the pending conference report is contrary to, and in violation of, the first amendment to the Constitution of the United States.

The distinguished Senator from Kentucky has ably and compellingly confirmed and ratified all that the distinguished Senator from North Carolina had to say. He has sustained his position with pertinent quotations and citations from our courts, making out the case so clearly against the conference report.

Let me say to the distinguished Senator from Kentucky that I have served for many years on the Committee on Labor and Public Welfare, and that the cause of education has no better friend than the Senator from Kentucky. He and I have been associated in our efforts and in the battles which we fought to promote the cause of education to help the schools of this country. I well recall that he and I worked side by side and fought side by side in our efforts to provide Federal aid to elementary and secondary schools. We were comrades in arms in the battle for the National Defense Education Act and many other acts which have been enacted by Congress to promote the cause of education.

He and I have been cooperating and fighting side by side.

The Senator from North Carolina and the Senator from Kentucky have cited many cases. They have covered the subject so thoroughly and compellingly that they have left little to be said.

However, I wish to emphasize two quotations from the Supreme Court of the United States that go to the heart of the question before us.

Four times in the past 16 years; namely, in the Everson case, the *McCollum* case, 333 U.S. 203; the *McGowan* case, 366 U.S. 420; and the *Torcaso* case, 367 U.S. 488; the Supreme Court of the United States has expressly declared that the first amendment means at least these things:

> Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."

This was well emphasized by the Senator from North Carolina and the Senator from Kentucky, but I wish to reemphasize it myself. The Court in the Abingdon School District Case—we find these words:

> The most effective way to establish any institution is to finance it, and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church, either in its strictly religious activities or in its other activities, is equally unconstitutional, as I understand the establishment clause. Budgets for activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.
>
> Such contributions may not be made by the State even in a minor degree without violating the establishment clause. It is not the amount of public funds expended, as this case illustrates, it is the use to which public funds are put that is controlling. For the first amendment does not say that some forms of establishment are allowed, it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the establishment clause become a mockery.

Mr. President, when we read the language before us in the conference report which provides that these funds may go for "construction—except in the case of public community colleges and public technical institutes—to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library."

We see how broad and how wide is the authority to make grants and how grants can be made without any question to do the very thing that the Supreme Court has declared in clear and specific language cannot be done under the first amendment of the Constitution. To make these grants would be to contravene that amendment. It would be not to simply impair the wall of separation between church and state but indeed it would be to tear down that wall between church and state.

As both the Senators from North Carolina and Kentucky have said, this provision of the first amendment does not prohibit funds to any one religion or to any one religious controlled, owned or dominated or related school. It applies to all schools, all colleges, all institutions of learning that are in any way connected with, related to, owned or controlled by a church or religious organization. It applies to all denominations.

That which we plead for today is to hold fast to the first amendment, which prohibits grants to any religious controlled, dominated, or owned institutions. Surely the least we can do is to stand fast by the Ervin-Cooper amendment and take this matter to the Supreme Court of the United States where it can be tested and tried under the decisions and the language of the Court. The Senate by a substantial majority voted to amend the bill, with the Ervin-Cooper amendment when the bill was before the Senate. If there were good reason, good logic, and good compulsion for voting it in the bill at that time, surely there is all the more logic, all the more reason, and all the more compulsion for insisting that it be in the bill now, because the proposed grants have been very much increased and the fields in which they would operate have been very much broadened.

Under the language of the bill now, a grant can be made to a school for nearly any purpose because these buildings can be used for nearly any purpose. In the bill as considered by the Senate the use of those buildings was limited. It had the language, "to be used only," but that language is now stricken out so that the buildings can be used for nearly any purpose a school might see fit to use them.

So, Mr. President, standing squarely with the distinguished Senator from North Carolina and the distinguished Senator from Kentucky, I urge that the conference report be sent back to conference with an insistence on the part of the Senate that the Ervin-Cooper amendment be agreed to and that we not be in the position of passing legislation which, is in contravention of and strikes down the first amendment to the Constitution. It strikes down the wall of separation between church and state. Let us stand squarely by the Constitution of the United States as we have solemnly sworn to do.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield, provided that in doing so he does not lose the right to the floor?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I do so after consultation with all interested parties with whom I was able to get in touch—that the vote on the conference report on higher education be had at 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The question first will be on the adoption of the conference report.

Mr. PROUTY. Mr. President, reserving the right to object, can the distinguished majority leader assure me that I will have at least 15 minutes?

Mr. MANSFIELD. I understand that a few Senators wish to speak on this subject. I will do my best, if need be, to prolong the time.

Mr. PROUTY. With that understanding, I have no objection.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana?

Mr. ALLOTT. Mr. President, for the information of the distinguished majority leader, I do not intend to speak for more than 10 minutes. As I told the majority leader, I do not wish to be limited, but I believe I can cover what I have to say in that time.

Mr. COOPER. Mr. President, reserving the right to object, may I ask the Senator what was the request?

Mr. MANSFIELD. That the vote be taken at 4 o'clock on the question of agreeing to the conference report.

Mr. HILL. Mr. President, reserving the right to object, has the distinguished majority leader consulted with the distinguished Senator from North Carolina [Mr. ERVIN] about this request?

Mr. MANSFIELD. Yes.

Mr. HILL. Is it perfectly agreeable to the Senator from North Carolina?

Mr. MANSFIELD. It is. I would not think of doing this without consulting both the Senator from North Carolina and the Senator from Kentucky.

Mr. HILL. I wished to be certain of that.

Mr. COOPER. That was the question I had in mind—as to whether the Senator from North Carolina had been consulted.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield briefly, so that the Senator from South Carolina may present a House amendment?

Mr. ALLOTT. I yield for that purpose.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

OFFICE SPACE, SUPPLIES, EQUIPMENT, AND FRANKING PRIVILEGES FOR MRS. JACQUELINE BOUVIER KENNEDY

Mr. JOHNSTON. Mr. President, there is at the desk a House amendment to the Senate amendment to H.R. 9291, which I ask the Presiding Officer to lay before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the amendment of the Senate to the bill (H.R. 9291) entitled "An act to provide office space, supplies, equipment, and franking privileges for Mrs. Jacqueline Bouvier Kennedy, to authorize appropriations for the payment of expenses incident to the death and burial of former President John Fitzgerald Kennedy, and for other purposes," which was, in lieu of the matter proposed in the Senate amendment insert the following:

That all mail matter sent by post by Mrs. Jacqueline Bouvier Kennedy, the widow of former President John Fitzgerald Kennedy, under her written autograph signature or facsimile thereof, shall be conveyed within the United States, its possessions, and the Commonwealth of Puerto Rico free of postage during her natural life. The postal revenues shall be reimbursed each fiscal year, out of the general funds of the Treasury, in an amount equivalent to the postage which otherwise would be payable on such mail matter.

SEC. 2. For a period of twelve months following the enactment of this Act, the Administrator of General Services shall furnish to Mrs. Kennedy suitable office space appropriately furnished, supplied, and equipped, as determined by the Administrator, at such place within the United States as Mrs. Kennedy shall specify. The supplies to be furnished shall include a sufficient quantity of envelopes marked "Postage and Fees Paid" to be used for international mail. For the same period, the Administrator of General Services shall, without regard to the civil service and classification laws, provide for an office staff for Mrs. Kennedy. Persons employed under this section shall be selected by Mrs. Kennedy and shall be responsible only to her for the performance of their duties. Mrs. Kennedy shall fix basic rates of compensation for persons employed for her under this section. Such compensation, in the aggregate, shall not exceed $50,000 during such period. The rate of compensation payable to any such person shall not exceed the maximum aggregate rate of compensation payable to any individual employed in the office of a Senator. Each person employed under this section in a position on the office staff of Mrs. Kennedy shall be held and considered to be an employee of the Government of the United States for the purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, and the Federal Employees' Group Life Insurance Act of 1954, but shall not be held or considered to be an officer or employee of such Government for any other purpose.

SEC. 3. The Secretary of the Treasury, through the United States Secret Service, is authorized to protect the person of Mrs. Kennedy and her minor children for such period of time, not in excess of two years, immediately following the enactment of this Act as she may request.

SEC. 4. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of section 2 of this Act and to pay not to exceed $15,000 toward the expenses incident to the death and burial of former President John Fitzgerald Kennedy, including undertakers' charges and the expenses of transportation, the sum of $65,000, to remain available until June 30, 1965. No payment shall be made from this appropriation to any officer or employee of the Government for personal or professional services. Appropriations now or hereafter available to the United States Secret Service shall be available for the purposes of section 3 of this Act.

Mr. JOHNSTON. Mr. President, the House amendment would amend the text of H.R. 9291 by striking all after the enacting clause and inserting a new text.

The first section of the amendment adds a sentence providing reimbursement of postal revenues for franked mail authorized by the section, in order to correct an omission from the bill as passed by the House and the Senate. This is a technical amendment.

Section 2 of the amendment provides a 12-month period during which the widow of the late President Kennedy will be furnished office space, equipment, and staff, as in the Senate enactment. The amendment retains the limitation of $50,000 on aggregate staff salaries as passed by both Houses, but adds a clause at the end of the section spelling out that no person employed on such staff shall be considered an officer or employee of the Government, except as to civil service retirement, disability compensation, and Government life insurance coverage. This clause is a clarifying amendment.

Section 3 of the amendment authorizes Secret Service protection for the widow and minor children for not over 2 years after enactment, in lieu of the 1-year limitation contained in the bill as first passed by the House and the omission of any limitation in the Senate enactment.

Section 4 of the amendment appropriates $65,000 to carry out the purposes of the act, of which not in excess of $15,000 may be applied to expenses incident to the death and burial of former President Kennedy; prohibits any payment from such appropriation to any Government officer or employee for personal or professional service; and makes regular appropriations of the U.S. Secret Service available for protection of the widow and minor children under section 3. The $15,000 maximum for funeral expenses replaces the $5,000 provided in the Senate-passed bill.

Advice from the administration is to the effect that the estimate of $5,000 for funeral expenses previously submitted is too low but that the new maximum of $15,000 will be adequate.

Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from South Carolina that the Senate concur in the House amendment to the amendment of the Senate.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8747) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1964, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 81, 82, and 91 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 2 and 84 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 1221. An act for the relief of Nick Masonich;

H.R. 1271. An act for the relief of Dr. Jae H. Yang;

H.R. 1414. An act for the relief of Jan and Anna Smal (nee Dworzanski);

H.R. 1432. An act for the relief of Pasquale Marrella;

H.R. 1475. An act for the relief of John William Horling;

H.R. 1495. An act for the relief of Ching Heing Yen and Ching Chiao Hoang Yen;

H.R. 1542. An act for the relief of Mrs. Sandra Bank Murphy;

H.R. 1545. An act to provide for the relief of certain enlisted members and former enlisted members of the Air Force;

H.R. 1566. An act for the relief of Mrs. Annie Zambelli Stiletto;

H.R. 2238. An act for the relief of Erwin A. Suehs;

H.R. 2305. An act for the relief of Zoltan Friedmann;

H.R. 2944. An act for the relief of Hurley Construction Co.;

H.R. 3366. An act for the relief of Fereno Molnar;

H.R. 3662. An act for the relief of Mrs. Margaret Patterson Bartlett;

H.R. 3908. An act for the relief of Jeung Sing, also known as Chang Sheng and Rafael Chang Sing;

H.R. 4141. An act for the relief of Smith L. Parratt and Mr. and Mrs. Lloyd Parratt, his parents;

H.R. 4288. An act for the relief of Mrs. M. Orta Worden;

H.R. 4507. An act for the relief of Angeliki Devaris;

H.R. 4760. An act for the relief of Elizabeth Mary Martin;

H.R. 4862. An act for the relief of Tricia Kim;

H.R. 5289. An act for the relief of Mrs. Zara M. Schreiber;

H.R. 5453. An act for the relief of Mrs. Denise Jeanne Escobar (nee Arnoux);

H.R. 5495. An act for the relief of the city of Binghamton, N.Y.;

H.R. 5703. An act granting an extension of patent to the United Daughters of the Confederacy;

H.R. 5753. An act relating to the effective date of the qualification of the Steamship Trade Association of Baltimore-Waterfront Guard Association pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954;

H.R. 5902. An act for the relief of Erio Voegelin and Luise Betty Onken Voegelin;

H.R. 6001. An act to authorize the conveyance to the Waukegan Port District, Illinois, of certain real property of the United States;

H.R. 6038. An act for the relief of Mariano Carrese and Vincenzina Ciavattini Restuccia;

H.R. 6316. An act for the relief of Generoso Bucci Cammisa;

H.R. 6624. An act for the relief of Mrs. Concetta Foto Napoli, Salvatore Napoli, Antonina Napoli, and Michela Napoli;

H.R. 6808. An act for the relief of the Shelburne Harbor Ship & Marine Construction Co., Inc.;

H.R. 6975. An act for the relief of Giuseppe Maida, his wife, Caterina Maida, and their children, Antonio and Vittoria Maida;

H.R. 7268. An act for the relief of Mrs. Ingrid Gudrun Schroder Brown; and

H.R. 7601. An act for the relief of the city of Winslow, Ariz.

HIGHER EDUCATION FACILITIES ACT OF 1963

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6143) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions.

Mr. ALLOTT. Mr. President, there is before the Senate for consideration the question of the adoption of the conference report on the bill for aid to higher education. Basically, though not entirely, it comes to the Senate upon one issue. That issue is the elimination of the Ervin-Cooper amendment, which was adopted in the Senate by a substantial majority, the effect of which would be to permit anyone to sue in order to test the constitutionality of a grant to a private education institution. The Senate now is concerned primarily with aid to religious institutions.

I believe it is important to go into the background of the first amendment to the Constitution and why it exists.

The Constitution provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The framers of that language had in mind the sad and sorrowful history of the world, in which religions of all kinds—we are not pointing at any one religion—had been coupled inextricably with governments.

I am sure the Jewish people of this world under a half dozen—perhaps under dozens—of religions have good cause to remember the sad effects upon their race of such connections.

When our forefathers came to this country, they wished to establish a government under which the people would have freedom of religion. The issues finally peaked into the makings of a revolutionary war. Then followed the adoption of the Constitution and the first 10 amendments, and our forefathers brought the issue squarely to the fore.

In the first amendment they said:

> Congress shall make no law respecting an establishment of religion.

My colleagues, the Senator from North Carolina [Mr. ERVIN], the Senator from Kentucky [Mr. COOPER], and the Senator from Alabama [Mr. HILL], who is the distinguished chairman of the Committee on Labor and Public Welfare, have expressed the question far more eloquently and in far more detail than I could ever hope to express it.

The question is whether we believe the principle which our forefathers adopted in the first amendment is worth keeping, or whether we shall squirm and rationalize around it, and ignore its purposes.

I am fully aware of the consequences of my remarks today, and of remarks I have made previously in the Senate with respect to this question. Anyone who opposes the proposal brings down upon himself the pressure of every private school and every religious school in the country. I am sure that Senators who voted and spoke in behalf of the Ervin-Cooper amendment have found this to be so.

With respect to the first amendment to the Constitution, I personally believe it means exactly what it says. I invite particular attention to the constitution of the State of Colorado, because it is only one of many constitutions which contain similar provisions. Article 9, section 7, relates to "Aid to private schools, churches, sectarian purpose, forbidden."

It states:

> Neither the general assembly, nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the state, or any such public corporation to any church, or for any sectarian purpose.

So far as any moneys which come to the State of Colorado are concerned, the purpose of this section is clear. The distribution of it to any private school, religious or not, would be forbidden unequivocally by the State of Colorado, under section 7 of this article.

Many other States have similar clauses in their constitutions.

Today we are trying to determine whether or not we would absolutely preclude—as I believe we would under this bill—assistance to the colleges in a given State, while we would inequitably help institutions of higher learning in those few States which do not have such a prohibition in their constitutions.

Let us take a look at the bill as it is now before the Senate. There is a very great technical deficiency in the bill. It states, in section 104(a):

> Of the funds to be allotted for any fiscal year for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes.

Except for the elimination of the public community colleges and public technical institutes, this provision covers every institution of higher learning.

Then it is stated, in subsection (b) of section 104:

> The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this title, for payment of the Federal share.

This is as near as the bill comes to saying to whom the Federal moneys shall be paid. I assume it means the Federal moneys shall be paid to the States for reallotment, who in turn, will pay them to their schools and institutions of higher learning. If that is so, not only the Colorado constitution, but the constitutions of many other States, specifically forbid such a repayment.

How many States have such clauses? Ten? Twenty? Thirty? Forty? By this bill, shall we enact a law to support higher educational institutions in the remaining 10, or 20, or whatever the number may be, and forbid aid to all other States until they have amended their constitutions so that the States can support religious institutions, and in effect coerce them into changing their constitutions?

Under section 105, the bill provides that the Commissioner shall approve any such plan which:

> (1) provides that it shall be administered by the State commission.

It is brought back under the direct jurisdiction of the State. What is to be done with States that have in their constitutions provisions similar to what Colorado has? There are many of them.

Subsection (5) of section 105 reads: "provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the State commission as to the priority assigned to such project or as to any other determination of the State commission adversely affecting such applicant."

Subsection (6) of section 105 reads: "provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this title."

I assume, therefore, that the funds which the Federal Government would or could allot under the bill would be allotted to a State or State commission for disbursement. Here again, we are at loggerheads with the constitutional prohibitions of many of the States.

I speak now of a different facet of this question.

Section 106 comes under the title "Eligibility for Grants."

It reads:

> An institution of higher education shall be eligible for a grant for construction of an academic facility under this title (1) in the case of an institution of higher education other than a public community college or public technical institute, only if such construction is limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, and—

Certain other qualifications follow.

The key to this particular section is the word "designed."

It does not provide that the facilities must be used only for this purpose. But

even if it did, I would be opposed to the bill as written. It states that they need only be especially designed. What is a school building "designed" for a physics laboratory or a chemistry laboratory? It is merely a school building; it is not a chemistry or physics laboratory until the scientific equipment has been brought into the room or rooms to make it a physics or chemistry laboratory. It is not a place to study computer technology until machines have been installed.

So, the word "designed" was placed in the bill—whoever the original author was—purposely to deceive the people of this country and to make them believe that we were creating an exception, and that this was to apply to rooms that would be used for the physical sciences, mathematics, and so on.

Let there be no mistake about what the Senate will do if it adopts the conference report. Under the provisions of the bill, Federal funds can be had for the construction of a building which is "designed" for scientific, mathematics, and similar subjects. The day after the money is paid, the building can be converted to any use to which the owners wish it to be converted.

There is one other factor involved. The argument is often made, "We are just doing this for our young men and women." I do not think many persons have been more interested in education than has the senior Senator from Colorado. The foresight of our forefathers led to the establishment of the public educational system which enabled him to get an education; and it is to them that he owes his education. Otherwise, it would not have been possible for one such as I to have obtained one. So I have a deep respect for education. But one cannot avoid the ultimate fact that if the bill passes in its present form, we shall be contributing directly to the support of religious institutions, because a building constructed under the bill becomes the property of the religious institution.

I have just pointed out that the institution is under no obligation to continue to use it solely as a scientific, mathematics, or foreign language facility. I again point out that it would be possible to build an ordinary school building, and still have it qualify under that clause with respect to foreign languages. Therefore, the entire question of design for physical sciences, mathematics, and modern foreign languages, is just so much camouflage. It does not mean that the buildings will be restricted to that use.

I am about to conclude, but I wish to add one further thought. When I supported the distinguished Senator from North Carolina and the distinguished Senator from Kentucky on their amendment, I told the distinguished Senator from Oregon, when he was criticizing the particular language of that amendment—the Ervin-Cooper amendment—that I could see weaknesses in the language, but that the conference committee would have adequate opportunity to rewrite the language. I told the distinguished Senator from Oregon that some such provision in the bill was necessary.

S. 2350 has been introduced by certain Senators to provide for a review of this subject. How are we to be deceived? If the House will not take the amendment to the bill which provides for judicial review, under the pressure to have a bill enacted, how are we ever going to enact a bill like this, which provides specifically and exclusively for judicial review? How are we going to get such a bill through the House of Representatives when we seem to be unable to get it to accept a single amendment applying to only one aid to education program?

The answer is that we will not. The sponsors of the bill know we will not. They know as well as we that the opportunities for a judicial review have been reduced to almost nothing.

I have the greatest respect for the private institutions of this country and the service they are rendering. Both of my sons were graduated from private schools—not religious schools, but private schools. They were not graduated from public colleges. I have the greatest respect for the service private colleges are providing, I understand the problems they face. The point is that a bill which is subject to judicial scrutiny is not wanted.

Upon this basis, I suggest that now is the time to raise the issue. The Senate conferees could have brought this bill back in disagreement. They did not. Now is the time for the Senate to declare in a loud voice, as it did before, that we believe we should not go into the field of supporting religious institutions at least until we give the Supreme Court an opportunity to examine the question.

During the delivery of Mr. Allott's address:

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MORSE. The House conferees made it clear that they would not agree to a judicial review amendment on the present bill, because in the House such an amendment would have to go to the Judiciary Committee. Such a bill has been introduced in the House. It will go to the Judiciary Committee and I have no doubt that hearings will be held on it. I say most respectfully that the Senator from Colorado is jumping to conclusions if he thinks the House will not pass the judicial review bill. However, I am assured that the House will not pass a higher education bill with a judicial review amendment added to it. I am even more confident that it would not adopt an amendment not considered by the appropriate committee of the House and which has never been approved after hearings in the House by that committee.

Mr. ALLOTT. I am happy to have the benefit of the Senator's advice. However, the House had an opportunity to hold hearings since this matter came up in the Senate. That proves the point I have made, that such a bill would not pass the House. I predict that it will not pass the House.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. The Senator made one point which I believe needs clarification. He said the terms of the Ervin-Cooper amendment could have been revised by eliminating the provision that held up all payments until there was a court test, to which there was considerable exception. In fairness to my colleagues who are very much interested in the Ervin-Cooper amendment, let me say that I personally proposed exactly that change. All the Senate conferees supported it. The House conferees, however, promptly voted it down. That was the end of it. We really tried to have that provision accepted. This was not a cursory matter. It was argued during the whole session of the conference. I proposed that change, and the Senate conferees went solidly with it. However, we could not get anywhere with it with the House conferees.

Mr. ALLOTT. I am appreciative of what the Senator has said. I am sure the conferees on the part of the Senate did everything they could. The House wants this bill, but it is said that it will not pass the bill with this amendment. If the House will not pass it with the amendment, it will not pass the other bill either, because the cold facts are that the proponents of the bill do not want judicial review.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MILLER. Mr. President, I wonder whether the Senator's point is whether the conferees, if they ran into a stone wall, so far as the House conferees were concerned, with respect to this provision, could not arrive at a conclusion by eliminating the grants part of the program, so that the problem the Senator from Colorado has been discussing would not arise. I should like to ask the distinguished Senator from Oregon that question. The Senator from Oregon just said that the House conferees were adamant about deleting the Cooper-Ervin amendment. What was their attitude so far as taking out the grant part of the bill? It seems to me that the Ervin-Cooper amendment has this main application.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may yield for the Senator to address that question to the Senator from Oregon, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. It would have been subject to a point of order in the House, because both bills contained the grant provision. Therefore, if we had followed that course of action—and we did not attempt to do that, I am frank to say—it could have been subject to a point of order.

Mr. MILLER. Let me ask a further question. Could it not have been changed so that the grant part of the program would have been made applicable only to public higher education?

Mr. MORSE. We would not have been keeping faith with the Senate. That would have made it a very bad bill.

Mr. MILLER. Were the House conferees amenable to that type of solution?

Mr. MORSE. Not at all. They said the House would not pass this bill with

a judicial review provision in it. However, it does not follow that it would not pass a judicial review bill. The House conferees said that as a matter of practice they would not support an amendment being added to a bill with respect to which there was no opportunity to hold hearings before the Judiciary Committee.

Representative EDITH GREEN, a member of the conference committee, said to the Senate conferees, "We are going to introduce a judicial review bill." It has been introduced, and hearings, according to my understanding, are to be held on it before the committee which has jurisdiction over that subject matter.

We cannot change the practice in the House. We will either pass this bill, or there will be no education legislation. Not only will there be no higher education bill, in my judgment, neither will there be a vocational education bill.

Mr. ALLOTT. Mr. President, I am sorry, but the Senator will have an opportunity to obtain the floor in his own right. I have consumed more time than I had thought I would use. I should like to conclude my remarks. I ask unanimous consent that this colloquy may appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, although I voted against the Ervin-Cooper amendment when it was before the Senate, I felt that as a member of the Senate conferees I had a responsibility to do my utmost, as did all Senate conferees, to sustain the Senate's position. We gave way only when it became quite clear that the House conferees were adamant in their position with respect to the question of judicial review, and that we would end with no higher education bill whatsoever.

The Ervin-Cooper amendment was advertised as being a device by which the individual taxpayer could contest the constitutionality of a grant to a private college which has a religious affiliation. Its provisions, however, when read from end to end are so sweeping in scope, so startling in their ramifications, as to stagger the imagination.

The Ervin-Cooper amendment does not simply specify that grants to colleges with religious affiliation shall be subject to judicial review. It states in bold and clear language that any taxpayer, whoever he may be, may contest any grant or loan made under the bill by simply alleging that—

> The proposed grant or loan is inconsistent with the first amendment, fifth amendment, or any other provision of the Constitution of the United States.

I ask Senators to take note of the language "first amendment, fifth amendment, or any other provision of the Constitution of the United States."

This language is so broad that a single individual taxpayer upon filing suit could prevent the making of a grant necessary to the well-being of a great university. That grant could be held up until the civil action is finally determined. This, of course, could be months, or even years, later.

In filing such a suit, what need the taxpayer allege? Only that a proposed grant is inconsistent with any provision in the Constitution.

The Ervin-Cooper amendment is, in short, one of the most sweeping civil rights proposals ever brought before the Senate. Let us examine why this is so.

If the Commissioner of Education proposed to make a grant to a private college, for example, in North Carolina a single taxpayer could hold up the grant if he alleged in a complaint that the college discriminated in its admission policy. He could be a crank, he might be barred for academic reasons, but his complaint alone would hold up the grant.

I firmly believe that the Federal Government should not make grants to institutions that have discriminatory policies, but I believe that such grants should be withheld only when there is a substantial factual showing that such discrimination does take place. The Ervin-Cooper amendment goes away beyond that: one taxpayer complaint could hold up a grant indefinitely whether justified or not.

In attempting to reach one problem, the Ervin-Cooper amendment creates a thousand others, and none of its supporters can deny that all sorts of civil rights suits could be brought under its provisions.

Thomas Jefferson once said—I do not quote him verbatim—that a country cannot be ignorant and remain free; it has never happened in the past and will never happen in the future.

During the 1950's the population 18 to 21 years old increased only 358,000, or 4 percent. During the 1960's it is expected to jump 5.2 million, or over 56 percent.

During the 1950's enrollment in the colleges and universities increased more than 50 percent. It will be double during the present decade and reach nearly 7 million by 1970.

To meet this tremendous challenge our institutions of higher learning must expand their physical plants at a rate of $2.3 billion a year. We are now falling below that goal to the extent of $1 billion.

The bill before us, which is in the nature of a conference report, might well be called the "open door" bill, because it will open to thousands of American youngsters the college doors that might otherwise be closed to them.

A vote for the bill is a vote to create opportunity for the individual and to promote the future of the country.

The Nation needs the engineer who will build its bridges, the scientist who will design its weapons, the student of politics who will write its laws, the language scholar who will make effective its diplomacy. In short, the Nation needs the enactment of a higher education bill.

1963 is the crucial year. It is the year that represents our last chance to provide new buildings to accommodate those who will want to study and for whom there is no room.

If we delay now—if we temporize—if we put this conference report over until another day—we will pay a hard and bitter price. We will have turned our backs on bright and eager young men and women who have the talent and the industry to make this country a model nation beyond our wildest hopes and dreams.

The higher education bill on which we are about to vote will, if approved, go down in history as one of the greatest achievements since the Morrill Act. I am happy that I have had the good fortune to play a significant role in its advancement to this, the final stage.

The final version of the bill is not everything I had hoped it would be. It is a matter of record that I favored the House bill, which would have permitted the Federal Government to aid in the financing of construction of academic facilities for both the arts and the sciences. I attempted to persuade the Senate to accept the House bill but lost in this endeavor by a fairly close margin. The Senate bill, it will be recalled, provided for Federal funds to be used only for science, engineering, and library buildings.

It was difficult indeed to compromise these two viewpoints, but compromise we did. Under the new bill the eligible categories were broadened, and mathematics and modern foreign languages became entitled to assistance.

Further salutary changes were made which deleted the strict Senate requirement that these facilities could be used only for extremely limited purposes. The changes take into account the fact that colleges conduct adult education programs and would be hampered in the management of these programs if they were barred from using certain facilities.

The changes take into account the fact that when renovation or remodeling is underway at a given college, space is at a premium, and all facilities must be available for the education of young men and women.

The conference report removes the intervening hand of the Federal Government and places wide discretion in the hands of the school administrator.

We cannot deny the fact that there was a deadlock in conference for some time concerning the question of how federally aided facilities would be used. I offered the compromise that broke that deadlock, and I stand 100 percent behind it.

To each Member of the Senate I say: Look to the future. Consider the needs that must be met, and cast your lot with the young men and women of tomorrow who will make this world the kind of place every decent human being wants it to be.

This is not legislation designed to help any individual university or college; it is a bill to further higher education, education which is so desperately needed at this time.

Mr. MANSFIELD. Mr. President, the unanimous-consent agreement now in effect will expire at 4 o'clock. In view of the fact that some Senators would not have an opportunity to be heard by 4 o'clock, I ask unanimous consent that the time be extended 15 minutes, 5 minutes to be allotted to the Senator from New York [Mr. JAVITS], 5 minutes to the Senator from Iowa [Mr. MILLER], and 5 minutes to the Senator from Oregon

[Mr. MORSE], who is in charge of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Iowa is now recognized.

Mr. MILLER. Mr. President, I wish to ask a question of the Senator from Oregon. From the analysis of the conference report made by the Senator from Colorado [Mr. ALLOTT], do I correctly understand that if a State has a constitutional prohibition against the use of public funds for private educational facilities or for church-related schools, any funds which might come to the State under this conference report, under the grant portion of the program, could not be used in violation of the constitution of that State?

Mr. MORSE. I completely disagree with the Senator from Colorado [Mr. ALLOTT]; but I do not think this is the time or the occasion to discuss that point. I believe it should be discussed in connection with the bill which has been introduced, S. 2350. Briefly, however, under the bill the funds flow to the institutions from the commissioner of education in accordance with the provisions of the State plan which establishes priority.

There are some 11 Federal programs under which millions of dollars of Federal funds have been poured out, giving some sort of assistance to private and church-related institutions. Only recently the Senate voted for the hospital bill. I did not hear any Senator argue then in favor of an Ervin-Cooper amendment or argue that that bill was unconstitutional. Neither did I hear the Senator from Alabama [Mr. HILL] argue that there should not be a distribution of funds, under the Hill-Burton Act, to hospitals operated by Catholic universities and Presbyterian universities.

So let us face the fact that the way to handle this matter is by means of the separate bill we have introduced and get on with the aid-to-education program.

The PRESIDING OFFICER. The time available to the Senator from Iowa has expired.

Under the order, the Senator from New York is now recognized.

Mr. JAVITS. Mr. President, first, let me say that I can testify—because I am most sympathetic with what the Senator from North Carolina [Mr. ERVIN] and the Senator from Kentucky [Mr. COOPER] have tried to effectuate—that I am mindful of the duties of the majority conferees who voted on the Cooper amendment; and I point out that the factual situation confronting us reflects that realization, because if the Senate were to reject the conference report, that would mean the appointment of other conferees—at least, other House conferees, and perhaps it would mean that it would be necessary to obtain in the other body a rule for that purpose, or perhaps no action at all would be taken. To judge from what we observed in the conference committee meetings, I would say the chances are no better than 50–50 that any action whatever would be taken.

There is no question about the need for the enactment of this measure. It is much later than we think, in dealing with higher education; and we are falling dangerously behind our chief competitor in the world, the Soviet Union.

Why do I believe the Senate should agree to the conference report, in the face of the legal doubts which have been expressed by two distinguished lawyers? The reason is that the Ervin-Cooper amendment was an effort to shift the responsibility of the Senate to the Supreme Court of the United States. The Senate could choose to do that or not to do it. The Senate chose to do it. But we could not sustain that position in dealing with the other body, which did not choose to do it. It is a coordinate branch of the National Legislature. Therefore, Mr. President, the other body, by refusing to concur with us in the effort to shift the basis of the responsibility for the Constitution decision, has said to the Senate, in effect, "We are sorry, but the Senate will have to decide this question for itself."

Let us understand that through the years the tradition and precedent of the Senate have constantly been that it has not hesitated to decide constitutional questions. Every Senator understands that endemic to his duties is his responsibility to decide for himself whether a given proposal is constitutional. So when we vote now, we shall be voting to express our convictions as to whether we believe the plan established by the conference report is, in accordance with our judgment as Senators, constitutional or unconstitutional.

In my judgment, there is no way to shift that responsibility if the other body does not join with us in the effort to shift it. That—and nothing else—is the nub of this debate.

I agree with the chairman of the committee; I believe there is a good prospect of enacting separate generic legislation on this subject, covering all the programs involved. That is the correct way to proceed. However, there must be concurrence by both Houses.

The question before the Senate is whether it wishes to have a higher education bill enacted into law, despite this argument; or whether the Senate believes the plan involved in the bill is so unconstitutional that Senators should vote to reject the conference report.

As to the constitutional argument, I have read the decisions, as have other Senators; and I deeply believe that although the pending measure may go to the outermost limits of what has been decided to date, I believe this plan is constitutional. So, Mr. President, when I vote on the question of agreeing to the conference report, I shall be voting in good conscience my conviction that this proposal is constitutional.

Furthermore, the Supreme Court itself, if it ever gets the case, will have to consider the fact that usage and practice over the years have shown acceptance of the plan incorporated in the bill—namely, that Congress has shown, by its usage and practice, that it is not endemic in the constitutional scheme that every grant to a sectarian institution is necessarily unconstitutional. Instead, that will depend on the purpose for which it is intended.

The PRESIDING OFFICER. The time made available to the Senator from New York has expired.

Under the agreement, the Senator from Oregon [Mr. MORSE] is recognized.

Mr. MORSE. Mr. President, I ask unanimous consent that at this time there may be a quorum call, without charging to the time available to either side the time required for the quorum call—after which I shall divide the remaining 5 minutes between the Senator from North Carolina [Mr. ERVIN] and myself.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I assure the Senators that the Senate will vote on the question of agreeing to the conference report within a few minutes. The vote will be to adopt or reject the report of the conference committee on the higher education bill. Under the parliamentary situation, it will be necessary to reject the conference report before I can move to request that a new conference be held, and that our conferees be instructed to insist upon inclusion in the bill of the Cooper-Ervin amendment, which is merely designed to authorize a judicial review by the Federal courts of the question whether grants and loans to church colleges or universities as authorized by the bill violate the first amendment to the Constitution of the United States. For that reason the vote will be on the adoption or rejection of the conference report. All who agree with the position of the Senator from Kentucky and myself that there should be a judicial review of that question to determine whether we are legislating in accordance with the first amendment should vote "nay," to reject the conference report, so that a motion can then be made for a new conference with instructions to our conferees to insist upon inclusion of the amendment in the bill.

Many millions of American citizens believe that the appropriation of Federal tax moneys to support colleges and universities operated by religious denominations violates the first amendment to the Constitution of the United States. There is a great dispute as to whether that is so or not. For that reason, I cannot see why any Senator should object to having the question determined by judicial decision so that we might be certain as to whether we are legislating in a constitutional manner.

If we wish to make certain that we shall obtain a judicial review of the question, we must get it by this process; this is so because the House has rejected a proposal for a judicial review every time it has had an opportunity to do so.

When the bill was originally introduced in the House, it provided for a judicial review—a provision which the House committee eliminated.

The House itself refused to agree to a provision for judicial review. Moreover, the conference committee removed the Cooper-Ervin amendment from the bill at the insistence of the House conferees.

I ask all Senators who believe there should be a judicial review to vote "nay" and reject the conference report. If this is done, we can move to have another conference with instructions to the conferees to insist on the inclusion of the amendment.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The time of the Senator from North Carolina has expired.

Mr. MORSE. Mr. President, there is before the Senate the question of whether or not to pass a higher education bill in this session of Congress. In my judgment, there is before the Senate the question of whether there will be any education legislation this session.

In my opinion, the passage or rejection of the conference report this afternoon will determine the fate of the vocational education bill.

Next, I point out that the House will never agree to a bill containing a judicial review provision. Judicial review was voted down by the House overwhelmingly. The House will not agree before it has gone to the Judiciary Committee of the House for hearings.

We are trying to keep faith. We fought for the amendment in conference. The House conferees were adamant.

A judicial review bill has been introduced in the House by Representative EDITH GREEN, and in the Senate by myself and the Senator from Pennsylvania [Mr. CLARK], and other cosponsors. Early hearings will be held. The bill will cover all the programs in which the same problem exists.

Not long ago, millions of dollars were voted for medical school facilities in Catholic and Presbyterian universities—for medical schools in other parochial universities as well. The law presently contains provision for 11 Federal projects or programs in which religious schools are the beneficiaries under the same formula as is the conference report. Till now the constitutionality of these programs has never been questioned.

I want a review. I agree with the Senator from Kentucky and the Senator from North Carolina that there should be a judicial review. I always have. Several years ago, the Senator from Pennsylvania and I offered an amendment to the elementary and secondary school bill providing for judicial review. But I am not going to jeopardize educational legislation by urging that the Senate reject the conference report; to do so would write finis to the program for this session of Congress.

Behind this is the vocational education bill, with all the impacted area funds and national defense education funds and vocational education funds.

Wisdom calls for adopting the conference report and then getting on with the business of holding hearings on the Morse-Clark judicial review bill. The House will do the same thing. We can then consider the question of judicial review on its merits.

On the other hand, while many do not agree with this view, there is a substantial body of law and legal opinion to the effect that the amendment of the Senator from North Carolina is itself unconstitutional. Several of my colleagues on the conference were concerned lest incorporation of this amendment in the bill as finally passed would jeopardize the higher education program for public as well as private institutions.

Article III, section 2, of our Constitution limits the jurisdiction of Federal courts to "cases and controversies." To present a proper case or controversy, the individual litigant must have a real and substantial interest in the outcome of the issue.

In the case of *Massachusetts* v. *Mellon*, 262 U.S. 447 (1923) the court held that the interest of a taxpayer in the general funds of the Federal Treasury is insufficient to give him a standing in court to contest the expenditure of public funds on the grounds that his interest "is shared with millions of others; is comparatively minute and indeterminable; and the effect upon future taxation, of any payment out of the funds, so remote, fluctuating and uncertain that no basis is afforded for an appeal to the preventive powers of a court in equity."

In other words, a suit by a taxpayer such as was proposed by the amendment of the Senator from North Carolina does not present a "case or controversy" and the courts are powerless to entertain such suits.

In *Muskrat* v. *United States*, 219 U.S. 346 (1911), the Supreme Court said the Congress of the United States is without power to impose jurisdiction on the Federal courts which was not given them by article III, section 2.

Both the Mellon and the Muskrat decisions are good law to this day, and under these decisions the Erwin amendment would seek to impose on the Federal court power to hear, entertain, and decide matters beyond the limits of article III, section 2.

If the Erwin amendment had been retained by the conferees and enacted into law, and if it were, as it may be unconstitutional, the courts might well declare the entire higher education act unconstitutional.

I point out to my colleagues that this act contains no separability provisions.

The courts might well say that the Erwin amendment was unconstitutional but it was the sine qua non of passage of the measure in the Senate that the measure would not have passed had it not been contained in the bill. And therefore they might strike down the entire program.

They would not do so because they ever got to the real constitutional problem but because of the presence of the judicial review provision alone.

I think I can assure my colleagues that the case brought by the Horace Mann League in Maryland will test the constitutionality of grants to private and parochial schools for secular education purposes. If the courts rule such grants to be unconstitutional surely the President will put a stop to them under our higher education bill forthwith. And he can do so without interruption of the program, so far as it relates to the State and public colleges and universities.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Pennsylvania.

The PRESIDING OFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. My time is up. I apologize.

Mr. CLARK. Mr. President, I ask for 1 minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. I am a strong supporter of the Ervin amendment. If I were not convinced that we would get no higher education bill at all unless we jettisoned the Ervin amendment, I would still be fighting for it.

I sat through the conference. The choice which confronts the Senate on the vote to be taken is, Do we want a higher education bill this year or not?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. MANSFIELD. I fully support what the distinguished Senator from Pennsylvania and the senior Senator from Oregon have said about the conference report. This is something which, as the Senator from Vermont stated, is for the benefit of the young people of this country. I hope most sincerely that the conference report will be agreed to.

Mr. COOPER. Mr. President, will the Senator allow me 1 minute?

Mr. MANSFIELD. I ask unanimous consent that the Senator from Kentucky may have 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. The Senator from Oregon spoke of 11 other programs. Many of those programs might be found to fall under the rule of the Supreme Court; I do not know.

This proposal goes far beyond any educational bill ever before passed with respect to the use of public funds, of tax funds, for church schools.

I say to my good friend the Senator from Oregon that the arguments he has made to press the Senate into taking this action today in order to get an education bill could be used as directly and clearly against the House. The same pressures which direct us to get an education bill direct the House to do the same.

The reasonable provision for which we speak would permit a scrutiny of the law, the first of its kind, by the Supreme Court. I think that ought to be made available, by rejecting the conference report.

Mr. MANSFIELD. I ask unanimous consent that the Senator from Texas may have 1 minute.

CLASSROOMS FOR HIGHER EDUCATION NEEDED NOW

Mr. YARBOROUGH. Mr. President, I support the conference report on the

Higher Education Construction bill, because it seems the only practical answer to the critical need for additional college classrooms in the next few years. The mushrooming college enrollment is pouring into inadequate and overburdened classrooms.

As a member of the Senate Education Subcommittee, and a cosponsor of the National Defense Education Act of 1958, I share some of the misgivings of my colleagues the senior Senator from Kentucky [Mr. COOPER] and the senior Senator from North Carolina [Mr. ERVIN] as to the constitutionality of some applications of the proposed program, but these questions can be resolved through the passage of a separate judicial review bill which I am cosponsoring. The important thing is to get the program passed and construction started on projects of unquestioned validity. I have worked for a college classroom construction program almost as long as I have been in the Senate; I have coauthored a number of bills for classrooms, libraries, and laboratories for colleges to help meet the unrequited need of the coming generation for higher education. Therefore, I shall not let this opportunity pass to take another great step toward making the American educational system the glory of our Nation.

Mr. ERVIN. Mr. President, I ask you for the yeas and nays on the question of adopting the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EDMONDSON (when his name was called). On this vote I have a pair with the senior Senator from Minnesota [Mr. HUMPHREY]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. CANNON. On this vote I have a pair with the junior Senator from Minnesota [Mr. MCCARTHY]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. DIRKSEN. On this vote I have a pair with the Senator from New York [Mr. KEATING]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MORTON. On this vote I have a pair with the Senator from Colorado [Mr. DOMINICK]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from New Jersey [Mr. WILLIAMS] and the Senator from California [Mr. ENGLE] would each vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from South Dakota [Mr. MCGOVERN]. If present and voting, the Senator from Mississippi would vote "nay," and the Senator from South Dakota would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. DOMINICK] is absent on official duty.

The Senator from Iowa [Mr. HICKENLOOPER] and the Senator from New York [Mr. KEATING] are necessarily absent.

The Senator from Kansas [Mr. PEARSON] is detained on official business, and if present and voting, would vote "yea."

The respective pairs of the Senator from New York [Mr. KEATING] and that of the Senator from Colorado [Mr. DOMINICK] have been previously announced.

The result was announced—yeas 54, nays 27, as follows:

[No. 266 Leg.]

YEAS—54

Aiken	Hartke	Muskie
Anderson	Hayden	Nelson
Bartlett	Inouye	Neuberger
Bayh	Jackson	Pastore
Beall	Javits	Pell
Boggs	Johnston	Prouty
Brewster	Kennedy	Proxmire
Byrd, W. Va.	Kuchel	Randolph
Carlson	Long, Mo.	Ribicoff
Case	Magnuson	Saltonstall
Church	Mansfield	Scott
Clark	McGee	Smathers
Cotton	McIntyre	Smith
Dodd	McNamara	Walters
Douglas	Miller	Williams, Del.
Fong	Morse	Yarborough
Fulbright	Moss	Young, N. Dak.
Hart	Mundt	Young, Ohio

NAYS—27

Allott	Gore	Metcalf
Bennett	Gruening	Monroney
Bible	Hill	Russell
Byrd, Va.	Holland	Simpson
Cooper	Hruska	Sparkman
Curtis	Jordan, Idaho	Stennis
Ellender	Lausche	Talmadge
Ervin	Long, La.	Thurmond
Goldwater	Mechem	Tower

NOT VOTING—19

Burdick	Hickenlooper	Morton
Cannon	Humphrey	Pearson
Dirksen	Jordan, N.C.	Robertson
Dominick	Keating	Symington
Eastland	McCarthy	Williams, N.J.
Edmondson	McClellan	
Engle	McGovern	

So the conference report was agreed to.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE MAYTAG CO. OF NEWTON, IOWA

Mr. MILLER. Mr. President, today the Maytag Co. of Newton, Iowa, pays tribute to its worldwide independent dealer organization, and Newton honors both Maytag and its dealers at ceremonies surrounding production of Maytag's 15-millionth home laundry appliance.

Four dealers have been selected by Maytag to represent their thousands of fellow retailers as guests of honor for the day. They are Vincent Aitoro, Aitoro's Applicance Co., South Norwalk, Conn.; R. H. Hall, R. H. Hall Co., St. Petersburg, Fla.; James A. Bethanis, Bethanis Appliance, Burbank, Calif., and Sol Polk, Polk Bros., Chicago.

Special guests watched this morning as the 15-millionth appliance, an automatic washer, was completed on the assembly line at Maytag's Plant No. 2.

From its tiny beginning in 1893 as a maker of farm implements, the Maytag Co., through the sound and progressive policies of its officers and quality workmanship and loyalty of its employees, has grown to where today it is firmly established as the Nation's leading independent manufacturer of home laundry applicances.

Located in Newton, Iowa, a town of 15,381 people, the company today has some 3,500 employees, more than 10,000 shareowners, and assets of well over $70 million. Maytag expects to top the $100 million mark in net sales for the sixth consecutive year in 1963.

The first Maytag washer was built in 1907 as a sideline to farm equipment and and was a wooden tub model called the "Pastime."

The 15-millionth Maytag appliance produced today typifies the advancements made by the company in just the past decade with such features as cold water wash, an automatic bleach dispenser and complete flexibility in laundering any of the multitude of modern fabrics which have emerged since World War II.

From the 30- by 40-foot building which served as its first plant, the company has grown to two manufacturing plants in Newton, each with well over a million square feet of floor space, and an auxiliary plant at Hampton.

The company's philosophy of doing business largely stems from that of its founder, F. L. Maytag. While this has been broadened and strengthened, its basic direction has not changed. It was true under the founder's grandson, Fred Maytag, II, who headed the company during the postwar spurt and it is being continued by today's management team headed by George M. Umbreit, chairman of the board, and E. G. Higdon, president.

This philosophy is dedicated to turning out dependable, high quality products and maintaining "a just balance among the interests of customers, employees, shareowners, and the public."

The company, since the beginning, has recognized the importance of the independent retail appliance dealer in the distribution of its products. The dealer represents the final, vital link between the manufacturer and the consumer and has been responsible for moving the millions of washers and dryers from Maytag's assembly lines in Newton into homes throughout the world.

Maytag's heavy reliance on independent dealers stems basically from the rather unique position the company occupies in the industry. It manufactures only laundry appliances—wringers and automatic washers, clothes dryers and combination washer-dryers—and every product it makes is marketed under the Maytag name.

The loyalty of these independent dealers and their ability to make a profit in handling the Maytag line have been essential ingredients in the successful financial record achieved by the company through the years.

Key to this has been the longstanding close relationship established between the company and its dealers, exemplified by Maytag's method of distributing its products. Rather than sell its products to independent distributors, who in turn sell to retail dealers, which has been the historic practice in the industry, the Maytag company deals directly with the retail dealers.

This is accomplished through 19 major distribution centers under which nearly 250 regional managers work closely with the thousands of franchised Maytag appliance dealers located across the Nation.

This direct contact has generated an image of the company, sustained by millions of satisfied Maytag owners, which is made possible only through the independent dealer who has the inherent advantage of knowing his market and is best able to serve it.

Attesting to the mutual benefit of the system is the fact that many dealers have been associated with Maytag for years, including some who have been Maytag dealers for more than a half century.

Further evidence of the pride and loyalty of dealers is a statement by Mr. Sol Polk, president of Polk Bros., of Chicago, Ill., addressed to the people at Maytag, which appeared in today's Chicago Tribune. I ask unanimous consent that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TO THE PEOPLE AT MAYTAG FROM AN ADMIRING INDEPENDENT RETAIL MERCHANT

It isn't very often that a retailer stands up in public and pays tribute to a manufacturing organization that is one of his suppliers.

However, because of an event being celebrated yesterday and today in Newton, a small Iowa city, because of which I feel strongly impelled to speak up for myself and for all my associates in Polk Bros.

This marks the completion of 15 million pieces of Maytag home laundry equipment, and your start into your 16th million.

Iowa is proud of its tall corn. It should be equally proud of what has grown up in a central Iowa town surrounded by corn fields—the Maytag Co. What has happened there is a good deal more important to all of us—and I include the American public—than most people realize. It is something that could happen only in America.

Fifty-seven years ago, your founder started manufacturing home laundry equipment in Newton. For more than half a century, your organization has grown, has employed the young men and women of your town, and has helped the town, and the people of the town, to grow along with you.

You have grown because of the honesty and reliability you put into your products. Because you sold them fairly. Because you were interested in the after sale as well as the sale.

It means something to Polk Bros. when we sell a Maytag washer or dryer to a family in our area that will perform reliably. And to know that, if the family retires in Ocala, Fla., or Apple Valley, Calif., or anywhere else, they will still be close to parts and service on the rare occasions when attention is needed.

You are a splendid example of the kind of company that can grow in America, and help retail businesses to grow with you, because you put rock-ribbed honesty into your products and all your dealings, and give the American people values that they can depend on, year after year.

We have been doing business with you for almost 30 years, a relationship that has been delightful and stimulating every inch of the way. I am sure thousands of other retailers can say the same thing. They have helped you, you have helped them. Together we have all performed a service for the people of our country.

I wish I could be sure that the American people understand what they have in organizations like yours, and in the American system which makes it possible to grow up to such important usefulness to the Nation.

This message is a small attempt to help that understanding.

Mr. MILLER. Mr. President, the Maytag Co. is a splendid example of the success of the American capitalistic economic system sometimes referred to as "people's capitalism" as distinguished from the monopoly or laissez-faire capitalism which characterizes some European countries. A recent speech by Mr. E. F. Scoutten, vice president of the company, on the subject of the American free enterprise system merits recognition. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE AMERICAN FREE ENTERPRISE SYSTEM VERSUS THE WELFARE STATE

(A Speech by E. F. Scoutten, vice president, the Maytag Co., at Martburg College convocation series on "Comparative Economic Systems," November 21, 1963)

A discussion of the merits of the American free enterprise system as contrasted with the welfare state could obviously fill several volumes. Since I have only a limited time, and since I do not pose as an economist, I suggest that it is essential that I limit my remarks this morning to the basic elements of these two economic systems. It is not really important that we consider the almost unlimited fringe areas of these two ideologies. If we understand the essential differences, we should be able to determine the relative merits.

THE FREE ENTERPRISE SYSTEM

It behooves us, I think, to take a moment in a brief clarification and definition of terminology. When I speak of the American free enterprise system, I am referring to the economic system as it has operated in this country, subject to reasonable regulations and controls. Many of the critics of the American system, when they attack it, deliberately define it as it existed perhaps 100 years ago. In effect, they define it as a laissez faire economic system which is free from governmental control or regulation. There has been no laissez faire system in this century. To attack the American free enterprise system as though it existed today as it did 100 years ago is as meaningless, unfair and inaccurate as it is to criticize business management as though it still operated in the fashion which was current prior to the Civil War.

I submit that it is quite proper that reasonable limitations, regulations and controls should be imposed upon the functions of our free enterprise system. There can never be any system which is totally free. There must always be limits. The limit to your right to swing your arm ends where another person's nose begins. The right to freedom of speech does not entitle you to shout "fire" in a crowded theatre. I know of no intelligent person who argues that our free enterprise system should be totally free and without restrictions. The various governmental regulations designed to prevent monopoly control of a commodity, or to protect the individual worker against possible exploitation, or to guarantee the consumers against misrepresentation, are all desirable limitations. No qualified businessman is opposed to the regulations of government which provide workmen's compensation for injured employees, or which require fair and ethical procedures in the labeling of products for the protection of the customer, or which prohibit the formation of cartels for artificially maintaining unrealistic price levels. As a matter of fact, responsible businessmen everywhere would insist upon such regulation, even if it were not currently available. And yet, it seems to many businessmen today that what began as a reasonable limitation upon our free enterprise system is fast turning into a deliberate attempt to destroy our free enterprise system and the form of democratic republican government under which it has existed, and to produce, in its stead, a welfare state under a socialistic form of government.

Let's be sure that we understand what we are talking about. When I speak of free, I have reference to freedom in the great Anglo-Saxon tradition as meaning independence from the arbitrary will of another person or another group. When I speak of our free enterprise system, I am referring to the freedom which any member of our society enjoys to engage in business enterprise with the privilege of making a profit or suffering a loss. Such persons have frequently been called entrepreneurs. Entrepreneurs, having elected to exercise their talents in our free enterprise system, usually begin by assembling the capital necessary to create enterprise. The formation of this capital occurs either by their having saved it from their earnings or, frequently, by joining with others so as to accumulate the necessary funds. Having assembled the capital, they then usually develop the product or the service which they hope will find some significant need in the marketplace. They then invest it in the building of a plant and the purchase of machinery and equipment. They hire and pay a labor force to produce the product. They seek a market for the product so that the plant and the labor force can be kept working. They attempt, in the face of competition, to sell the product at a price that will yield sufficient profit to enable the business to continue. Sometimes they are successful. Frequently they fail. The most basic and significant element of the American free enterprise system, however, is that such people have the freedom to embark upon such a venture.

They have the freedom to risk their savings and the savings of other like-minded persons in an attempt, through the provision of a service or a product, to earn the favor and the consequent profits which result from their filling a consumer demand.

The most drastic shortage in this country today is a shortage of able people who are willing to accept such responsibility and get things done efficiently and effectively. Science and invention are progressing at an amazing pace and will probably continue to do so, but, as always, the work of trans-

lating the discoveries of the scientists and the inventor into marketable products must wait upon people with talent and energy to produce, distribute and sell.

There is probably little or nothing being done in American business today that cannot be done better. American business and industry and the American consumer are awaiting anxiously the future growth and development which can be realized if our free enterprise system is permitted to flourish and grow.

One of the great needs in our economic system is for the continuous and increasing availability of venture capital. Let's examine that term.

If you have saved, inherited, or otherwise acquired $1,000, there are a variety of things you can do with it. You can put it in a savings bank or in a Government bond where it will be readily available, but where it will earn comparatively little interest.

You can invest it in a corporate bond, or a secured loan, or a mortgage. It will be perhaps not quite as safe, and it will not be quite as readily available when you want it, but the rate of return will be a bit higher.

Or, you can buy a so-called blue chip stock, which is even a little more risky and sometimes is a little more profitable.

VENTURE CAPITAL ESSENTIAL

Or, finally, you can use the money to go into business on your own or perhaps buy stock in some new or struggling enterprise, the future of which is still in doubt. In such a case, you are taking a very real risk of losing all or part of your money. In return, however, there is also a chance for maximum gain or profit on your investment. This is venture capital. Such capital is the lifeblood of our free enterprise system. Without it—without people who have saved money from their earnings and who are willing to risk it on new ventures—free enterprise, as we know it, could not exist.

Obviously, the prime consideration which motivates a man to invest his savings in the form of venture capital is the possibility of realizing a significant profit. There are some people who would have you believe that profits, in and of themselves, are objectionable and that the individual or the business enterprise which earns a profit has somehow or other done so at the cost of the sweat, blood, and tears of other human beings. Actually, profits are the lifeblood of our free enterprise system, which has given us the highest standard of living that the world has ever known. Incidentally, it should be noted that profits are also the lifeblood of any system of government based on taxation. Furthermore, there is no such thing as an excessive profit. There is no such thing as an excessive profit because when the system is permitted to perform its legitimate function, any excess profit is automatically self-correcting.

FUNCTION OF PROFIT

If an enterprise in a new venture succeeds in realizing an unusually high profit, it automatically has the effect of attracting other capital to the same field, to the same activity and to the same market, until such time as the profit on the invested capital, through the force of competition, declines below the level that capital is earning generally.

In this fashion, therefore, the so-called excessive profit serves as a signal to direct the flow of capital into those areas where additional capital is obviously needed. And, by the same token, the level of the profit, when it becomes ordinary, likewise serves as a signal to direct the flow of new capital to other areas or activities.

Let's illustrate specifically: When the Ford Motor Co. in the early part of this century began to realize unusually high profits, resulting from a high volume and a standardized product, there was, as a result, a tremendous flow of capital into the automotive industry to help supply the demand which Ford had unearthed. Literally hundreds of corporations were established and competition for Ford sprang up everywhere, until such time as the profit rate in the automotive industry sank back to normal levels. During this development, of course, hundreds of different automobiles were marketed, of which more than 90 percent failed and ultimately disappeared from the market. Those automobiles which remain in the market today are there and available only because they have successfully weathered the drastic tests of competition and have earned a share of the consumer's dollar. The Ford profits signaled the need for additional capital in the industry. As soon as this need was supplied and the profits returned to or below a normal level, the capital was diverted to other fields.

It should be noted that the level of profit which is returned on the capital investment serves as a signal in directing the investment of additional capital by other investors. The level of profit, however, is merely the signal. The effective determinant of the level of profit is the consumer—collectively called the marketplace.

If a company's product and service meet a need of the consumer, the company will be rewarded with a profit. When competitors flock to supply the same need, the competition which is created forces all competitors to refine the product, improve the service and better satisfy the consumer's need. Those enterprises which fail to keep abreast of competitive developments presently fail entirely and disappear from the scene. It is this refining effect of competition which has guaranteed the continuing improvement in the standard of living of the American people.

THE WELFARE STATE

Opposed to and contrasted with this system of competition, as it operates under the free enterprise system, is the concept of the welfare state. When I use this term, I am referring to the elemental notion that a central government should, in whatever fashion may be required, undertake to guarantee the welfare of all of its citizens in all aspects of their existence from the cradle to the grave. This concept undertakes to guarantee the citizens with employment, with medical care, housing, clothing, food, education, and usually a great many nonessential benefits ranging without limit into such things as cultural activities. This concept is based upon the assumption that a governmental bureaucracy, directed by a group of supposed experts, is better able to direct the activities of the people than are the people themselves. It assumes, furthermore, that the people will prefer this absolute and benighted direction, and, in fact, that they will welcome it in preference to a regulated free enterprise system which guarantees the citizen a right to succeed and a right to fail.

You will note that in this definition of the welfare state, I have deliberately made no reference to the political form of government involved. This omission is because there is only one kind of government structure under which the welfare state can be operated: This is a strong and absolute central government. It makes no difference whether you call such a government fascist, or socialistic, or communistic, or anything else. It is invariably the same kind of government: A dictatorial, powerful, central direction which reserves unto itself the decisions and choices which, under a representative form of government, are left to the people. It reserves to itself the regulation and control, ultimately, of all aspects of the citizen's existence. It makes all the decisions.

If through regulation and control of profit, as occurs under a welfare state, it becomes impossible for the consumer to make his wishes decisive, then all of the merits of competition and the free enterprise system disappear. If a government bureaucrat is entrusted with the authority of determining what products are to be produced and who is to produce them; and when they are to be produced; and where they are to be produced; and what their selling price is to be, then we have eliminated the consumer judgment factor and have entrusted the development of the economy to a fallible human being who cannot conceivably exercise judgment in these matters which even approaches the quality of judgment which results when all of the populace participate. This system of state control and state direction has never succeeded anywhere in the history of the race, and it is not succeeding now in those countries where it is being tried, including those relatively limited areas of our economy where it is being applied in this country.

MONOPOLY CONTROL

Under the laws of our country, which for many years have been directed toward the reasonable regulation of our free enterprise system, it is impossible to acquire or sustain a monopolistic control of a commodity or of an industry, except when the Government, in effect, assumes, creates and sustains such a monopoly. In every instance in which such Government-supported monopolies have been created, they have proved to be failures and they have failed to accomplish the very goals for which they were originally created.

Farmers' organizations, for an untold number of years, tried to maintain farm prices through collusion. They had no appreciable success until the Government took over. Labor unions tried for a hundred years to create monopoly control in individual labor markets, but they failed miserably until the Government came to their aid and foisted a monopoly control of labor on the American economy.

How long has the Government been "helping the farmer"? It has been going on for more than 30 years. Today there are fewer farmers and there is some evidence to suggest that those who are producing crops in the Government program are worse off than those who are not covered. We are paying out billions of dollars a year to maintain agricultural prices at a false level, yet the subsidized farmer's income is still falling. This is nationalization of farmers. It is expensive and it is morally wrong. The consuming public pays a subsidy through taxes, and then, in addition, pays the higher food prices which result from price control. Still, every year thousands of farmers quit the farm. It was only last spring that the wheat farmers in this country came to their senses and voted out the Government's newest proposal in the subsidization, monopoly control and nationalization of the wheat farmers. It took the wheat farmers 30 years to discover that the rewards of the free enterprise system are superior to the results produced by the welfare state controls.

GOVERNMENT, ECONOMIC SYSTEM

Our type of Government, as created in this country, took the form of a republic. So long as it retained the elements of a republic, it prospered and grew in a fashion unprecedented in the history of the race. It has been only since significant attempts have been made to convert it into a dictatorial welfare state that many of the problems confronting us today have emerged and that our progress as a nation is becoming increasingly reduced and even stultified.

The success of our form of Government depended upon the functioning of our free enterprise system. The two systems are complementary and mutually interdependent. Our form of Government could not exist in the absence of a free enterprise system; nor can a free enterprise system exist in the absence of a republic. And yet, today, there is considerable evidence to indicate that we are trying to convert both our form of Government and our economic system into a dictatorial welfare state.

And let's recognize another fact as we proceed: There is no essential difference between an absolute monarchy, a dictatorship, a Fascist form of government and a welfare state. It makes no difference how tortured the semantics are—whenever you create a form of government which makes decisions for the people; which directs their economic activities; which limits their choice of economic alternatives; and which attempts to provide an unlimited security, then you have created a dictatorship—and you may call it socialism, communism, or fascism, or anything else you choose. It makes no difference, because there is no difference.

It is important, I think, to examine very carefully these great and basic issues which are presently being debated in our country. Millions of our citizens, without adequate training or means to distinguish among the several alternatives available to them, are being deluded, misled, and purchased by demagogic politicians who, either ignorantly or deliberately, are attempting to destroy not only the American free enterprise system, but our form of government and our standard of living. Let's examine briefly how we got into this situation.

MONETARY AND MORAL VALUES

Free societies have always been those in which the individual has been required to accept responsibility for not only himself, but for his immediate family. Such societies have accordingly permitted the individual a considerable freedom of choice and have likewise permitted him to enjoy the results which he was able to achieve. When he occasionally failed, he was likewise accorded the privilege of failure.

In free societies, remuneration to the individual has always been made in accordance with the value of his services and contributions. The value of such services and contributions has been determined by his fellows. Very often, this has caused some concern among the society, because the remuneration to many people seemed to be inconsistent with their opinion of the individual's moral merit. There has frequently been noted a discrepancy between moral merit and the individual's remuneration. It must be noted, therefore, that personal esteem and material success are not necessarily identical. The free enterprise system is the only kind of society which provides us with ample material means, and still leaves us free to choose between material and nonmaterial rewards. Our free enterprise system deals only with economic means. We are required, as individuals, to accept the responsibility of making what we choose of our freedom. If men are to be free to use their talents, we must remunerate them accordingly, but we ought to esteem them in accordance with the use they make of the means which they thus acquire for their disposal. The actress, Elizabeth Taylor, presents a striking example of this conflict.

NATURE OF EQUALITY

We must also note that there is in our society at the present time a confusion with respect to the democratic process, the free enterprise system and equality. No political thinker of any stature in all history has ever interpreted democracy as necessarily meaning equality in all things. When the Founding Fathers incorporated into the Declaration of Independence the phrase, "All men are created equal," they referred only to equality before the law and equality of opportunity to each individual to fulfill his highest potential. That is the American ideal.

In recent years, however, our basic concept of government has begun to give way to the sentimental and superficial notion that people should somehow be made equal in fact. Our public education system during the past 25 years has contributed tremendously to this ridiculous objective. Along with this attempt has come an unwarranted emphasis upon security. As Dr. Felix Morley has said, "The desire for security has become the opium of the people in America." Whenever a society dedicates itself to the totally impossible goal of making all individuals equal and to the equally objectionable goal of providing perfect security for all members of the group, that society immediately loses the boldness, the dedication, and the responsible citizenship which, otherwise, would be available to it; its members cease to be masters of the state, but, rather, they become its wards. When the citizen accepts the government as his guardian, our form of Government will decay.

For many years, our public schools were contaminated by what was known as the "progressive education" movement. This highly organized and publicized mass of fuzzy thinking fostered what we used to call the "child-centered school." In these schools, we placed great emphasis upon creativity, originality, and self-expression. I submit that creativity is a desirable attribute of the human personality; but I also suggest that it has no role in the application of the multiplication tables. Nine times seven has been 63 for a long time and will probably continue so for a long time in the future. Originality, although a most desirable attribute, certainly has no place in the spelling of the English language. Having two boys who came through this school system, I have seen some charming illustrations of originality in spelling. Unfortunately, however, they were also unintelligible.

SELF-EXPRESSION OBJECTIVE

The emphasis upon self-expression has led us, among other things, to perfectly asinine and ridiculous results in many phases of our cultural activities. As someone has said, "Too many people are writing books who never bothered to learn to write; and too many people are painting pictures who never bothered to learn to paint."

By way of illustration, I refer you to the current state of the so-called modern art. Paintings which have been awarded prizes have been found, when the artist appeared, to be hanging upside down. I submit this is patently ridiculous, since there is no conceivable way of telling the top from the bottom. An artist, mentioned in Time magazine recently, developed a new technique for painting nudes, whereby he smeared paint over the front of his nude model and dragged her across the canvas. Ultimately, he sold the resulting mess—the canvas, not the model. I have merely to remind you of the painting which won first prize in a Chicago show last spring, and which consisted of a piece of 4-by-8 plywood painted black. This sort of thing is alleged to be self-expression. In reality, it is a retreat from standards of excellence and it is, in fact, a fraud and a delusion. If there are no standards, then truly anyone can paint; but the sad part of this is that it is accepted by many gullible citizens as being a new kind of art. As my friend Jenkins Jones says, "When somebody welds together some old gears, some corset stays and a piece of sheetmetal, and says it is art, we may conceivably ignore him; but when he contends it is more beautiful than Michelangelo's 'David,' then we should say 'It looks like junk, and it probably is.'"

This retreat from standards of excellence has been an outgrowth of the child-centered school which for many years constituted the ultimate in the so-called progressive education. Under this doctrine, we used to delay teaching a discipline until the child evidenced a readiness for the learning. I recall a school in Ohio in which, for 6 long years, we failed to teach the children to read because they failed to indicate a readiness for reading. During this period, they built birdhouses and footstools beyond belief. We produced a group of first-class, little carpenters Unfortunately, they were also illiterate.

FUNCTION OF FAILURE

The naive notion that children in school should not be subjected to failure, as though failure were not a right of every human being, has led us to dilute the curriculum, to lower the standards and to use what has been called noncompetitive marking. Little Willie, the near genius, achieves a report card full of S's, indicating that he is working up to his capacity. Little Ignatz, the near idiot, in the same class achieves an identical report card full of S's, because he allegedly is working up to his capacity. This engenders the belief that all men are, in fact, equal; or if they are not equal, they ought to be made equal. Whenever we embrace that doctrine, we are automatically accepting the equally false notion that all men are entitled to identical benefits under our economic system. This means that if one man earns more than another, it is wrong and he is obviously doing so at the expense of his fellows. This leads us to the acceptance of the welfare state.

The lack of craftmanship in industry, the widespread featherbedding in all levels of industry, the emphasis upon what somebody has called "togetherness," are all symptoms of this general decline in quality.

From this fountainhead of fuzzy thinking has grown, increasingly, our national trend toward the welfare state. I have to remind you only of what happened in a sizable American city a few months ago when the town fathers, confronted with a crushing load of welfare cases, suggested that ablebodied men, as a condition of receiving welfare checks, would be required to work in various ways for the city. They also served notice that unmarried mothers who persisted in having additional illegitimate children would be disqualified from receiving further welfare assistance. What was the result? The so-called liberals from the State and National capitals, the Government planners, swooped down upon the city with one accord protesting that such requirements by the city officials were un-American, and threatened to cut off Federal money unless the city fathers withdrew their requirements. Apparently, the right to continue on relief rolls, literally from one generation to the next, is now regarded as an acceptable career opportunity.

CHALLENGES TO DEMOCRACY

If the American people will permit it, our Federal Government will be glad to do all our thinking and planning and spending for us. The theory of the welfare state, which presumably protects the citizens from the cradle to the grave—which guarantees them a living whether it be in the form of living on the welfare rolls or working as assigned by a bureaucrat in Washington—is a throwback to the old feudal system under which the lord of the manor was not only the master of the people, but the source of their livelihood, as long as they acknowledged his authority and obeyed his orders.

Many of the innovations of the welfare state are, in fact, throwbacks to former social systems which men now regard as malevolent. They are systems which man have fought to overthrow over hundreds of years. The slave, the serf, the communal peasant, all had ultimate security. It seems to many people that this alleged progress toward the welfare state is, in fact, a retrogression to what the race of men have found to be anathema in generations past.

The chief elements with which the welfare state concerns itself are in reality local matters. They can and should be solved locally; but when the Federal Government steps into the picture, local efforts cease. In the welfare state in the Soviet Union, the state regulates almost every aspect of life and there is little room left for individual initiative and little need for individual self-reliance. From the cradle to the grave, the individual is under the protective custody of the state,

which has the authority to educate him; doctor him; tell him where he is to work and how much he is to make; what he is to eat; what he is to wear, and for how long a time.

We cannot blame our present trend toward the horrors of the welfare state upon the change which has occurred from a simple to a complex civilization. If this were the case, we would be yielding grudgingly, rather than gladly, to the blandishments of such a system. Many people would be ashamed to accept social security payments they do not really need. Fewer women would complain as one did recently that, because his unemployment compensation was delayed, her husband had been forced to take a job. More of us would endorse the belief affirmed by President Kennedy in his inaugural address that, "The rights of men come not from the generosity of the state, but from the hand of God."

This shift toward centralization which has been going on in our country for more than 30 years is a very gradual thing. Freedoms have been surrendered little by little in pieces thought to be too small to be worth fighting for, until now it is necessary to look back many years to realize the tremendous distance we have traveled toward centralized, dictatorial control. In 1913, a 31-word Federal personal income tax law was enacted. It limited the rate to 1 percent on taxable income below $20,000 and a maximum top rate of 2 percent. Today, this 31-word law has grown to over 450,000 words and it takes 23 cents out of every dollar earned, with a minimum rate of 20 percent—10 times the maximum rate in 1913—and with the maximum rate of 91 percent.

In 1930, the entire budget of the United States was $3 billion. This year, the budget will approach $100 billion. In 1930, there were 592,000 Government civilian employees. Today, there are more than 2½ million. Our national debt has increased from $16 billion in 1930 to cover $300 billion at the present time. If you add the unfunded pension liabilities to Government employees; contracts; commitments to defense, welfare and Government, and the actuarial deficit in the social security system, the national debt today is more than $1,000 billion—more than a trillion dollars.

If you have difficulty imagining what a trillion dollars is, you might reflect that if with the birth of Christ someone had started to save at the rate of $1,000 a minute, or $60,000 an hour, or $43 million a month, it would require such a saving up through the end of 1963 before you would have acquired the trillion dollars necessary to put the U.S. Government in the black.

Years ago, the socialist leader Norman Thomas said, "The American people will never knowingly adopt socialism, but under the name of liberalism, they will adopt every fragment of the socialistic program, until America will one day be a socialistic nation without knowing how it happened." We are long gone down that road.

There is an evident assumption that Americans should be coddled, subsidized and regimented from the cradle to the grave. Concurrently, there is a naive notion that when our neighbor departs for Washington and moves into an office in some Federal bureau, he somehow or other magically attains an expertise and is thereby qualified as an authority on matters about which he never seemed to know very much when he lived down the street.

James Madison said, "We rest all our political experiments on the capacity of mankind for self-government."

The free enterprise system, which has worked so well for us for so many years is now faced with its ultimate death, because we have failed to realize that we cannot have the superifically attractive benefits of the welfare state and, simultaneously, continue to maintain and expand our standard of living. If we are to destroy our free enterprise system, we must recognize that, with it, we destroy our democratic form of government. Inferior as it is, the welfare state still exacts a tremendous price: the creation of a dictatorship of the central government.

IMPENDING STRIKE AGAINST UNITED AIRLINES

Mr. CURTIS. Mr. President, there is a threatened strike against the United Airlines which, if it goes off according to schedule, will tie up transportation on December 18 or 19.

To tie up transportation at any time, but more especially at Christmas time, is a strike against the general public.

There has been a Presidential factfinding, or emergency board, proceeding in this matter. It made its decision or recommendations on November 18. Management has agreed to the recommendations. The union has not.

I have today sent a telegram to the President of the United States asking him, in behalf of many Nebraska mayors, civic leaders, educators, students, servicemen, airline employees, and others, to use his good offices to appeal to the union leaders in control to accept the findings of the Presidential factfinding or emergency board.

I ask unanimous consent that the telegram appear at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DECEMBER 10, 1963.

HON. LYNDON BAINES JOHNSON,
President of the United States,
White House, Washington, D.C.

MY DEAR MR. PRESIDENT: In behalf of many Nebraska mayors, civic leaders, educators, students, servicemen, airline employees, and others, I appeal to you to use your good offices to prevent the threatened strike against the United Airlines. Travel at Christmas time is very important to many individuals and their families as well as to those economically affected. I urge that you request the union leaders in control to accept the findings made by the Presidential factfinding board on November 18 and thus avoid the strike. Such action will be deeply appreciated.

Kindest regards.

Senator CARL T. CURTIS.

Mr. RANDOLPH. Mr. President, this possible strike is a matter of direct concern, I am sure, to all the Members of the Senate. This is especially true because in approximately 35 States the constituencies you represent are served by this air carrier with a very considerable daily volume. Perhaps one-fourth of the scheduled airlines traffic of the Christmas season will be carried by United.

In West Virginia we are dependent on the services of United Air Lines, as we are on other excellent carriers. I have been consulted by citizens from our State capital city of Charleston—among them, Charles E. Hodges, managing director of the Charleston Chamber of Commerce. I, too, have consulted with the White House and the Civil Aeronautics Board on this problem.

It is not so much a question of whether management is right or wrong, or whether labor is at fault in this immediate situation. There is a controversy, but we know there should be no breakdown of air transportation for hundreds of thousands of passengers, and cargo shipments and the handling of mail in the Christmas season.

West Virginians are particularly concerned about possibilities of a strike since 50 percent of all traffic moving through Kanawha Airport in Charleston is generated by United Air Lines. The deadline being just a week before Christmas, all of the flights moving into and out of our capital city are completely booked, and the suspension of service would be little short of calamity for citizens who are dependent on air travel to or through that terminal.

It is my most earnest hope that reasonable attitudes and approaches will prevail in meetings between representatives of both union and management as they seek a settlement. It is a matter of public concern and national interest that a strike be averted at this most inopportune time.

Mr. CURTIS. I thank the Senator.

Mr. MONRONEY. Mr. President, I share the concern expressed by the Senators from Nebraska and West Virginia. I feel that the threatened strike in United Air Lines is a strike against the public rather than against the airline. In view of the fact that findings have been made by the factfinding board, and have been accepted by the airline, if a strike takes place it will be in defiance of the regular procedures in trying to secure a resolution of the differences. It could spread to other airlines. It could result in a strike that would cripple the Nation at a time when travel is at its peak.

I commend the Senator from Nebraska for urging that more time be granted for settlement of the dispute.

Mr. FONG. Mr. President, will the Senator yield?

Mr. CURTIS. I yield, if I may.

Mr. FONG. Mr. President, I share the deep concern of the distinguished Senator from Nebraska about the impending United Airlines strike. United Airlines which carries approximately 30 percent of the Nation's air passengers has estimated it will carry 800,000 air passengers through the holiday period between December 18 and January 8.

All these people will be discommoded, and many will be greatly injured if a strike materializes. We in Hawaii, especially, will be greatly injured. At the present time there are approximately 7,000 Hawaiian students on the mainland United States, and at least two-thirds of them are preparing to return to the islands to spend the Christmas holidays. We know that if the strike is called on the 19th of December it will cause great inconvenience and disappointment to many of these students, and most of them probably will not get home for the holidays.

In addition to upsetting the regular travel of our people, which travel is considerable, there is also a great flow of tourists in and out of Hawaii, especially during the holiday season. Tourist arrivals in Hawaii last month were 79 percent more than last year in November.

Hawaii expects to be host to 412,000 tourists for 1963. A strike at this time will cause a great deal of inconvenience,

hardship, and injury to our students, our people, and our tourist business.

I do hope that the Machinists at least will agree to postpone the strike until after the holiday season, so that our students can get back home and return to the mainland, and that our tourists will be able to spend their vacations in Hawaii during the Christmas holiday season.

I sincerely hope that the President will use his good offices to see that the strike is at least postponed until after the holidays.

I sincerely hope that the meetings which are now underway between the Machinist Union and the United Air Lines officials will result in preventing a walkout during this holiday period.

I have communicated with all parties concerned and have expressed the feelings of all Hawaii toward the hope that a settlement can be reached and that there be no tieup and that if a strike is inevitable that it be at least postponed to after the holidays.

Mr. MAGNUSON. Mr. President, I merely wish to state to the Senator from Nebraska, the Senator from Oklahoma, and other Senators that the Committee on Commerce has been very conscious of the pending strike. We have been asked not only our opinion about it—and without going into the merits of the matter—but also about the possibility of having a delay in the strike until some sensible solution is arrived at. Also, it has been urged that the strike not occur during the holiday season when, as the Senator from Hawaii has pointed out, there is a great increase in air traffic all over the country.

Without having consulted with every other member of the Commerce Committee, we have agreed to prepare a letter in the form of some expression of sentiment, which members of the committee will sign, because this question is in our *jurisdiction*. Other Senators may also sign. Copies of the letter will be sent not only to the President of the United States but also to the Chairman of the CAB, who would have some interest in this matter, as well as to the parties involved.

The letter will be prepared today, and Senators who wish to express their opinion may join in signing the letter.

Mr. ALLOTT. Mr. President, I was called from the Chamber just as this subject was taken up. I wish to make my own position clear. The strike is scheduled to begin on the 18th of December, at midnight. The economic loss and hardship that would be imposed upon our country would be almost beyond comprehension. I hope that when the letter is prepared, I shall have an opportunity to join in signing it.

Mr. MAGNUSON. We thought this should be done, because today the airlines, particularly the large airlines such as United, are almost in the same position, from the standpoint of public accommodations, as are the railroads, trucks, the merchant marine, and the buslines. The public interest is far more important than any argument between the parties.

We ought to realize that to be the fact, because Congress does not want to go through another argument like the one which occurred with respect to the railroad strike. It might be well for both management and labor to know that the public interest will not be overridden in this case. I believe most Senators will agree with me.

ATOMS FOR PEACE

Mr. PASTORE. Mr. President, on Sunday, we observed the 10th anniversary of President Eisenhower's dramatic atoms-for-peace speech before the United Nations.

Over the past decade, we have witnessed many solid accomplishments in the atoms-for-peace program. President Eisenhower's appeal for international cooperation in the development of the atom had its genesis in the creative thought of President Harry Truman and Senator Brian McMahon. President Kennedy shared this dream and affirmed our continuing support for the principles of the atoms-for-peace program.

Mr. President, as Chairman of the Joint Committee on Atomic Energy, I would like to express my support for the objectives of the International Atomic Energy Agency, and particularly for its function in providing safeguards against the diversion of atomic energy materials to military uses. The safeguards program recently adopted by the Agency is a modest first step on the road to international controls over the possession and use of these tremendously powerful materials. I would hope that the Agency's safeguards system can be refined and expanded so that the nations of the world may proceed with the development of the peaceful atom, secure in the knowledge that the materials they work with will never be instruments of war.

Yesterday, in a statement observing the 10th anniversary of the atoms-for-peace program, President Johnson reasserted our continuing belief in the importance of cooperation among nations in the peaceful uses of atomic energy and our belief in the International Atomic Energy Agency as an important instrument in carrying out this cooperation. Mr. President, I ask unanimous consent to insert in the RECORD at this point the statement by President Johnson on this very important subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Ten years ago today, President Eisenhower appeared before the General Assembly of the United Nations and made the following pledge:

"The coming months will be fraught with fateful decisions. To the making of these fateful decisions the United States pledges before you—and therefore before the world—its determination to help solve the fearful atomic dilemma, to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

In his address, President Eisenhower also proposed the establishment of an International Atomic Energy Agency which would help channel into peaceful pursuits the scientific and material resources which had been created primarily for military purposes, and noting that such an agency could serve as a vehicle to advance the use of the atom for the peaceful pursuits of mankind.

The International Atomic Energy Agency has assumed an essential and natural role in the international development of atomic energy. In each year of his administration, President Kennedy supported the International Atomic Energy Agency and on three separate occasions sent AEC Chairman Glenn T. Seaborg to the General Conferences in Vienna, Austria, as his personal representative.

In the past 10 years, the use of atomic energy for peaceful purposes throughout the world has grown steadily. The United States has led the efforts to bring the benefits of atomic energy to the world—shared its knowledge, its skills, and its materials with other nations in every continent.

Today, I reassert our continued belief in the importance of cooperation among nations in the peaceful uses of atomic energy and our belief in the International Atomic Energy Agency as an important instrument in carrying out this cooperation. I can think of no more appropriate way in which to convey to freemen everywhere our intention to bring the benefits of the peaceful atom to mankind than in the words of President Kennedy in his message to the President of the Fifth General Conference of the International Atomic Energy Agency in Vienna, Austria, on September 27, 1961:

"The General Conference of the International Atomic Energy Agency is a welcome event to all peoples who value peace. Your meeting accentuates the enormous potential of the atom for improving man's well-being. We already know the atom can help place more food on our tables, provide more light in our homes, fight disease and better our health, and give us new technical and scientific tools. The exploitation of this force for human welfare is just beginning. The International Atomic Energy Agency can assume a position of leadership in bringing the peaceful uses of atomic energy to the people of the world.

"Moreover, the intangible benefits of your work are no less than the material rewards. When people from different countries work together in a common cause, they help to maintain a bridge of understanding between nations during times of tension and build firmer foundations for a more stable and peaceful world of the future. I applaud your efforts and assure you that they have the full support of the United States.

"JOHN F. KENNEDY,
"President, United States of America."

LYNDON B. JOHNSON,
President of the United States.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1533. An act to amend the act of July 24, 1956, granting a franchise to D.C. Transit System, Inc.; and

S. 2054. An act to eliminate the maintenance by the District of Columbia of perpetual accounts for unclaimed moneys held by the government of the District of Columbia.

INDEPENDENT OFFICES APPROPRIATION BILL, 1964—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 8747—making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1964, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I wish to make a brief statement about the conference report and about the bill itself.

Only one amendment is in disagreement with the House. The House had a rollcall vote on the amendment about 2 hours ago, and sustained the House conferees on that amendment.

I wish to pay tribute to the members of my committee and to the members of the House committee for working long and hard on this very complex bill, which covers 29 agencies of government. They are all important agencies of government.

I point out again to the Senate that in the conference report a bill is reported which will total in the vicinity of $1,400 million under the budget estimates.

We were very careful, particularly in the Senate, to insist, in an effort to do something about Government spending and for the economy of the Nation, that the agencies not employ any new employees, with one or two exceptions, where new employees were allowed, such as in the case of FAA, because new towers are being built and additional men are needed to man those towers.

This may seem a little harsh, but I have come to the conclusion, after many years in handling matters for these agencies, particularly the agencies I have in mind—and I am sure the Senator from Colorado agrees with me—that a great deal of Government spending can be eliminated if we eliminate the hiring of new employees.

It seems that every time an agency has a problem of some kind, the only answer is to hire some new personnel to solve it. After that particular problem has been solved, the employees run out of something to do, and the Administrators sit around and think of something else for the employees to do. They convince themselves and then they convince the Bureau of the Budget, and pretty soon they are adding to the cost of the Government year by year.

Therefore, I believe we have taken a long step forward in the direction of Government economy by bringing forth a bill which is close to $1,400 million under the budget estimates, involving, with one or two rare exceptions—I have mentioned one—no new employees. The conference report covers 29 agencies of Government.

Representatives from various agencies come to the Senator from Colorado, to me, or to the Senator from Massachusetts, and complain. They say they need this, that, or the other thing.

However, I am sure that by the end of next fiscal year they will probably be more efficient, and they will not know that they have not had any additional employees given them. Someone said to the Senator from Colorado and me that if we could make this principle stick, perhaps Parkinson would add a chapter to his book.

I hope he will write such a chapter; but we made it clear, and it is in the conference report. So, for the first time we have taken a forward step in controlling the growth of Government personnel. I compliment all members of the subcommittee, and also the House conferees, who joined with us.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. It is the chairman of the subcommittee, in this instance, who should be complimented, because from the first of the year he took a strong, adamant stand that we would not add employees. We provided for some additional employees in the Federal Aviation Agency. The specific purpose should be stated. It was to enable the FAA to operate navigational facilities which are in the process of construction and will be completed before the end of the year. It would be a foolish policy not to provide the necessary additional employees for this facility. But the Senator from Washington is correct.

Moreover, we tried to prevent some agencies from moving into areas which were outside their own areas of responsibility, and to hold them until, at least, the legislative committees concerned had had an opportunity to act upon the proposals.

I pay my personal tribute to the distinguished Senator from Washington, because he was adamant, and it was only because of his stand that we were able to bring back a bill in an amount which is far below the budget request.

Mr. MAGNUSON. I thank the Senator from Colorado.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. I join in what the Senator from Colorado has said. As one who has sat as a member of the subcommittee for many years, I believe the results of the bill justify the actions of the chairman and the senior member of the minority, the Senator from Colorado [Mr. ALLOTT].

I call the Senator's attention to one item in the conference report, at the top of page 12, in which the conferees agreed that no further funds could be provided for shelter survey and stocking. I interpret that to mean for this year only. The Senate conferees did not finally agree that there should be no further stocking. Am I correct?

Mr. MAGNUSON. That is a correct interpretation. I believe that is the understanding of the conferees.

Mr. SALTONSTALL. I thank the Senator.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Maryland.

Mr. BREWSTER. My brief comment would be directed to the Open Space Land Grants portion of the report. The original House position in this matter was contained in language to the effect that this program should not be utilized in the Washington metropolitan area. The Senate report rejected this position. In excellent language on pages 18 and 19, the Senate report states:

> The committee believes it is unwise, however, to single out any one area, wherever located, for the purpose of denying to them grants for which they have qualified. Title VII of the Housing Act of 1961, which embodies the open-space land provisions, contains some of the stiffest requirements for qualifying for Federal assistance of any law of this kind. The Congress wisely insisted that communities must demonstrate that the land purchased with Federal assistance conform to a comprehensive development plan, that an active program of comprehensive development planning for the entire area is being actively carried on, and that they are already taking such steps as they can without Federal assistance to preserve a maximum of open-space land at a minimum cost. The purpose of this law is to assist urban areas to curb sprawl and prevent the spread of blight and to encourage more economic and desirable urban development by assisting local governing bodies in acquiring fast-disappearing undeveloped land for urgently needed park, conservation, and historic purposes. The preservation of open space and parks is a recognized national need, rather than one that is restricted to any particular region or locality. How promptly metropolitan areas move to acquire suitable lands is conditioned both by the funds available and by the recognition and acceptance of local responsibilities. The committee feels that no area should be penalized because of its ability to quickly qualify for, and receive, Federal assistance and its willingness to expend substantial sums of its own money for necessary open-space lands.

The Washington Post of December 6, 1963, stated:

> Representative ALBERT THOMAS, Democrat, of Texas, chairman of the House Appropriations Subcommittee that adopted the ban, said after the conference session, "The House language is out.
>
> "We will let the suburbs do what they want."

So I note with some degree of satisfaction that the suburbs of Washington, in Maryland and Virginia, will be allowed now to utilize the open-space land grant program, as will any other area in the Nation.

I, too, commend the Senate chairman and his fellow members of the conference for seeing to it that the Senate position prevailed in this case.

Mr. MAGNUSON. I thank the Senator from Maryland. We believe we did the right thing in not limiting this provision.

The Senator from Maryland speaks about open spaces. We did something else this year which we hope will be carried out: We informed the General Services Administration that when a new building is built—and a new building is being constructed for the Pentagon—a little Pentagon—and is ready for occupancy, the first persons in the Department of Defense to move in should be those now occupying temporary buildings. Otherwise, it would never be possible to get rid of the old buildings. So we expect to provide a few more open spaces in areas that were intended to be left open by those who designed this beautiful city. Some of the old buildings have existed since prior to World War I. Their occupants will never get out unless they are moved out.

I am sure the Senator from Maryland will be pleased with the proposed open-space move. I hope it will be carried out.

The PRESIDING OFFICER (Mr. KENNEDY in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 8747, which was read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 81, 82, and 91 to the bill (H.R. 8747) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1964, and for other purposes", and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows: In lieu of the sum of $1,000,000 set forth in said amendment insert "$650,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84, and concur therein with an amendment, as follows: Insert the matter stricken, amended to read as follows: ": *Provided further*, That no part of the foregoing appropriation may be transferred to any other agency of the Government for research without the approval of the Bureau of the Budget".

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 92.

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments numbered 2 and 84.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, one amendment remains in disagreement, amendment No. 92, relative to the veterans' hospital in Bay Pines, Fla. As I have already said, the House voted on this item a couple of hours ago and sustained its conferees by a very narrow vote. I am hopeful that we may discuss the matter in the Senate and probably not have to return to conference, because I fear the House would have the same vote, and the Senate would then be in the same position and would only delay the bill.

However, the Senator from Florida has felt so keenly and honestly about this matter for some time that I am sure the Senate would have liked to have the language on which we agreed remain in the bill. To bring the matter to a head, I move that the Senate recede from amendment No. 92.

Mr. HOLLAND. Mr. President, do I correctly understand that the amendment is pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. I yield to the Senator from Florida.

Mr. HOLLAND. First, I express my deep appreciation to the Senator from Washington [Mr. MAGNUSON], the Senator from Colorado [Mr. ALLOTT], and all the other members of the Subcommittee of the Senate Committee on Appropriations who handled this matter and who unanimously agreed to place in the bill the amendment relating to Bay Pines. I believe it is amendment No. 92. Am I correct in my assumption?

Mr. MAGNUSON. The Senator is correct.

Mr. HOLLAND. I thank each of them for their attitude. Furthermore, I desire to have the record show that I am deeply grateful to the Senator from Washington, the Senator from Colorado, and other members of our committee who were conferees upon this bill, every one of whom stood by the Senate position and insisted on the matter being carried back to the House in disagreement for an expression of opinion on the part of the House. They could not have been more loyal to the objectives which I had in mind. I thank them for it.

This bill carries, as I recall, some $14 billion of appropriations, and is more than 5 months behind time. Many agencies have been handicapped in connection with the delay in enactment of the bill, which should be cleared promptly at this time.

I have discussed this matter with the distinguished Senator from Washington and the distinguished Senator from Colorado, as well as with other Senators. There is no doubt that the Senate would again stand by its amendment. Therefore, I wish to take to myself the responsibility for what I am about to do: It seems to me that, having in mind the importance of this entire measure, and having in mind the lateness of the hour at which this question comes before us, and also the fact that various Senators involved already have made travel reservations in connection with returning to their homes, and also having in mind the fact that the vote in the House of Representatives has clearly substantiated the feeling of many of the good people in Florida about this matter; namely, that the line being drawn in this case is a political line, rather than one based primarily on the welfare of the veterans—it seems to me that I should not oppose the motion which has been made by the distinguished Senator from Washington, the chairman of the subcommittee, that the Senate recede, but, instead, that I should let the RECORD show the way the House has voted on this matter, which is as follows: In the House, on the question of accepting the Senate amendment on this matter, the vote was 170 in favor of accepting the Senate amendment and 204 opposed to accepting the Senate amendment. Of the 170 who voted to accept the Senate amendment, 164 were of one party and 6 were of the other party. Of the 204 who voted against acceptance of the Senate amendment, all were of one party.

I hardly think a stronger showing could be made to the effect that—unfortunately—a political issue has been allowed to creep into the matter of taking care of the ill and disabled veterans of the Nation. I am distressed that this is the case.

I recall to the attention of the Senate that in a communication from a most distinguished group of citizens in the State of Florida—the Florida Council of One Hundred, which is a bipartisan body—to the late beloved President of the United States, President John F. Kennedy, dated September 18, 1963, a strong case was made for the amendment included in the Senate bill, which would have insisted that the Administrator proceed to use the funds, appropriated at the request of the Administrator in 1958, for the purpose of doing the advance planning and the engineering for the enlargement of the Bay Pines Hospital—the hospital which the Administrator himself has stated, in the record, as having, in his opinion, the finest location of any veterans hospital in the Nation—700 acres facing the Intracoastal Waterway, looking out across the bay, across the spit of land which comprises the offshore islands opposite St. Petersburg, and to the Gulf of Mexico with a most beautiful view from a hill crowned by virgin pines. There is ample room for the construction of several hospitals of the size of Bay Pines which has been there since World War I—it being the oldest veterans' hospital in our State, and the most popular veterans' hospital, and the one which most veterans' organizations want to see retained and enlarged.

For the Administrator, I wish to say, first, that he has been most generous in his treatment of the needs of the veterans in other areas of our State; and, second, that he has revised his view as to Bay Pines, in that at the last hearing he told our committee that he no longer plans to abandon the hospital, but assured the committee that it would be retained at its present size, which I believe is 600-plus beds—and that under no circumstances would it be abandoned. I believe he said it would be a foolhardy act to abandon the hospital, because of the great need shown for it in the Tampa Bay area, where there are 1¼ million people, and where veterans' needs are very, very great, indeed.

I call attention to the fact that in connection with the statement made by the Florida Council of One Hundred there appears the following sentence in the letter written to the late President of the United States; which, incidentally, appears in the committee hearings at page 2191:

I have taken your time to review this case in some detail because many of us here in

Pinellas County have come to the reluctant conclusion that the real reason behind Mr. Gleason's refusal to act is a political one.

Mr. President, I regret the fact that a clear political division is shown by the action taken this afternoon in the other body.

Mr. President, having in mind the fine treatment which, the Veterans' Administrator has given otherwise to our veterans, and also having in mind the fact that the new President of the United States, himself a veteran, will, I am sure, be unwilling to have the record continue to disclose the drawing of a political issue in connection with a matter of this kind, I am content to let the record stand because I think perhaps it will bring more speedy action than we would have if we forced the issue and returned this amendment to the House of Representatives, in disagreement.

Mr. President, in order that the RECORD may show at this point the situation with reference to the veterans in our State, I ask unanimous consent that the wording on page 23 of the report on the independent offices appropriations bill for this year, beginning with the words "the record of the hearings," and continuing to the paragraph headed "Loan Guarantee Revolving Fund," be printed at this point in the RECORD.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

The record of the hearings before the subcommittee includes correspondence from the Florida Council of 100 with most cogent reasons for proceeding at long last with the architectural and engineering work relating to the expansion of the Veterans' Administration Hospital at Bay Pines, Fla.

Data submitted to the committee from the State of Florida, Department of Veterans' Affairs, reveals that as of July 19, 1963, there were 152 veterans on the waiting list for the VA hospital at Lake City, Fla.; 587 veterans were on the waiting list for the veterans hospital at Bay Pines; 645 veterans were on the waiting list of the VA hospital at Coral Gables—in all a total of 1,384, all of whom had been found eligible. In addition, the information provided reveals that 1,098 Florida veterans were hospitalized outside the State of Florida by the Veterans' Administration and that a total of 395 Florida veterans were awaiting hospitalization outside the State in VA hospitals.

The Administrator's testimony before the subcommittee indicated a reluctance to proceed with site and planning expenses for this project even though it was authorized and funded some years ago in the absence of a clear-cut statement in the form of appropriate wording in the bill. The committee has therefore recommended the following language be included in the bill:

": *Provided further*, That $1,722,000 shall be used for the sites and planning expenses involved in the construction of a Veterans' Administration hospital at Bay Pines, Fla."

Mr. HOLLAND. Mr. President, I call attention to the fact that the report shows that on the date of the report by the Veterans' Bureau in Florida, in July of this year, 1,098 veterans from Florida were being hospitalized in hospitals outside our State, some of them as far as 1,000 miles away.

I know something of the sympathy which both the Senator from Washington and the Senator from Colorado have shown in connection with this matter; and I hope they will feel—and will state for the record, if they feel it is appropriate to do so—that, in their judgment, it is best to let this matter remain as it is, and to give the Administrator a chance to move ahead with the construction and enlargement of this hospital, in order partially to meet the need which has been shown to exist.

With that brief statement, I make it very clear that I shall not oppose the motion made by the distinguished Senator from Washington, the chairman of the committee, that the Senate recede from its amendment No. 92.

At this time I yield to the chairman of the committee.

Mr. MAGNUSON. Mr. President, I think the Senator from Florida has made a wise decision, although we of the committee feel very strongly about this provision. We thought it was the only thing we could do in this case, in order to proceed with this matter.

I have been somewhat at a loss to understand why the Administrator—although I have never asked him directly—did not go ahead with this hospital, and then also proceed with whatever plans he may have had for another one, in another area, because all the testimony we receive from the Veterans' Administration every year is of the growing need for hospitalization facilities for veterans.

Mr. HOLLAND. Especially in Florida.

Mr. MAGNUSON. Well, all over the country, but more so in Florida.

It seems to me that by the time that is done and by the time they obtain the sites and the funding—which will take 4 or 5 years—both of these hospitals will be needed.

I have no doubt about it. The need for veterans hospitals all over the country has grown, but more so in areas such as Florida and beautiful places like Bay Pines and other places of that kind. I am at a loss to understand why they do not proceed. The facility has been funded. They can go ahead with the other hospital, because by the time it is completed they will need the space anyway. They may even have to move other veterans down there because the table of veterans hospitalization shows that the World War II veterans are reaching the age at which they need more medical care, and it goes higher.

There is in this bill $1,100-million-plus for inhospital care alone. This is not outhospital care. It has reached that proportion.

I dislike to add this statement, but I believe for the record it should be stated that every other bed is a mental case. This is startling, but it is true.

It seems to me that the Administrator could well proceed with this hospital. It is funded. So I believe he should go ahead and start the other one, too, because surely the number of veterans in the area justifies it.

Mr. HOLLAND. I thank the Senator from Washington. With regard to his reference to mental cases, I am sorry to have to say that of nearly 1,100 Florida veterans hospitalized in points remote from our State—where it is difficult for their families to reach them and necessary that they do so—almost all or a large part of them are neuropsychiatric cases. That is one of the pitiful features of the whole picture.

I thank the Senator for his sympathetic attitude towards this problem.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator. The chairman of the committee has said many of the things I wished to say.

With the more than one thousand cases from Florida which now have to be hospitalized outside the State, it seems to me that in the last 2 years there has been an adequate record made as to the necessity for the hospitals in Florida with the addition of the Bay Pines Hospital. I also am reminded that this particular hospital was funded by the Congress more than 3 years ago. Is that not correct?

Mr. HOLLAND. The Senator is correct. The funding for the engineering plans and all the advance planning necessary to build the proposed addition to the hospital was provided for by the Congress some 5 years ago and has been carried forward every year in the budget but no action has been taken to proceed with the project despite the fact the money has been available to do so.

Mr. ALLOTT. If the Senator will yield further, what he has mentioned is what distresses me about this question. The President has named the Administrator, but I believe it is the function of Congress to make the laws of the country and to designate the locations where hospitals should be built if they are believed to be necessary. The fact that the hospital has been funded for more than 3 years can only lead me to believe—and I do not say that my opinion is the viewpoint of the Senator from Florida—that the decision of the Administrator in that case is an arbitrary one.

Another provision in the report—which I will not discuss at this time but I certainly intend to do so later—leads me to believe that the Administrator has reached another arbitrary decision.

But I say in conclusion to the distinguished Senator from Florida that I am convinced after listening to this subject for 3 years, that the Senator from Florida is entirely correct in his basic concept for this hospital, and that if he had made a different decision than he has now made on the floor of the Senate, I would have been ready to continue to support him as long as he desired support.

I hope that what has occurred will not be without some beneficial effect upon the Administrator in starting the hospital at Bay Pines.

Mr. HOLLAND. I thank the Senator from Colorado. It is true that before the conference report came before the Senate, the Senator from Colorado stated to me that he would take the position he has mentioned. I deeply appreciate it.

However, it seems to me that to allow what apparently in the other body has now become a political controversy to continue on a question of this kind is

not the wise course. I have consulted with the chairman of the subcommittee, the chairman of the full committee, and other Senators who are deeply concerned with this matter. We all feel that action probably will be taken when it is shown that in this body the feeling is so strong for going ahead with the project—and the Senate has remained unanimous on the question—as it is and that in the other body the lines are so closely drawn, if I may use that expression, as they appear to be from the vote just taken there.

I again thank the Senator from Colorado and the Senator from Washington. I hope that the veterans' program in our State and in every other part of the Nation will move ahead in a completely nonpolitical manner, based wholly upon the merits of the program that will best take care of the needs of the veterans who so badly need added care; and who, as I have already said—to the extent of 1,098 of them—are hospitalized in points remote from our State. That kind of situation should not continue.

In addition, between 1,000 and 2,000 veterans are on the waiting lists of the various veterans hospitals in Florida. Such a pitiful situation should cry out for immediate action. I hope that the Administrator will hear that cry.

The PRESIDING OFFICER (Mr. HART in the chair). The question is on agreeing to the motion of the Senator from Washington [Mr. MAGNUSON] to recede from amendment No. 92.

The motion was agreed to.

Mr. MAGNUSON subsequently said: Mr. President, I want to join our colleagues in also commending Mr. Earl W. Cooper and Mr. Franklin B. Dryden, the efficient members of the staff.

I ask unanimous consent to have printed in the RECORD a tabulation showing the action taken on each item of the bill.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

INDEPENDENT OFFICES APPROPRIATION BILL, 1964 (H.R. 8747)

Comparative statement of appropriations for 1963 and estimates and action taken on items in the bill for 1964

Item	Appropriations, 1963	Budget estimates, 1964	House bill	Senate bill	Conference action
TITLE I					
EXECUTIVE OFFICE OF THE PRESIDENT					
NATIONAL AERONAUTICS AND SPACE CONTROL					
Salaries and expenses	$530,000	$525,000	$525,000	$525,000	$525,000
OFFICE OF EMERGENCY PLANNING					
Salaries and expenses	5,240,000	7,200,000	4,045,000	5,265,000	4,695,000
Civil defense and defense mobilization functions of Federal agencies	5,190,000	7,750,000	5,190,000	4,190,000	4,190,000
State and local preparedness		3,000,000	1,500,000	1,500,000	1,500,000
Total, Office of Emergency Planning	10,430,000	17,950,000	10,735,000	10,955,000	10,385,000
OFFICE OF SCIENCE AND TECHNOLOGY					
Salaries and expenses	764,150	1,025,000	780,000	980,000	880,000
Total, Executive Office of the President	11,724,150	19,500,000	12,040,000	12,460,000	11,790,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Disaster relief	25,000,000	20,000,000	20,000,000	20,000,000	20,000,000
DEPARTMENT OF DEFENSE					
CIVIL DEFENSE					
Operation and maintenance	75,000,000	82,200,000	70,000,000	76,638,000	70,319,000
Research, shelter survey and marking	53,000,000		17,800,000	64,700,000	41,250,000
Research and development, shelter, and construction		264,700,000			
Total, Civil Defense, Department of Defense	128,000,000	346,900,000	87,800,000	135,338,000	111,569,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
PUBLIC HEALTH SERVICE					
Emergency health activities	7,000,000	41,361,000	25,000,000	30,000,000	27,500,000
INDEPENDENT OFFICES					
CIVIL AERONAUTICS BOARD					
Salaries and expenses	9,450,000	10,800,000	10,115,000	10,365,000	10,240,000
Payments to air carriers (liquidation of contract authorization)	82,864,000	83,775,000	75,000,000	81,000,000	79,000,000
Total, Civil Aeronautics Board	92,314,000	94,575,000	85,115,000	91,365,000	89,240,000
CIVIL SERVICE COMMISSION					
Salaries and expenses	22,161,300	22,180,000	21,680,000	21,930,000	21,805,000
Investigation of U.S. citizens for employment by international organizations	600,000	670,000	600,000	600,000	600,000
Annuities under special acts	2,000,000	1,888,000	1,800,000	1,800,000	1,800,000
Government payment for annuitants, employees health benefits fund	5,166,000	9,530,000	9,500,000	9,500,000	9,500,000
Government contribution, retired employees health benefits fund	8,000,000	14,860,000	14,800,000	14,800,000	14,800,000
Payment to civil service retirement and disability fund	30,000,000	62,000,000	62,000,000	62,000,000	62,000,000
Administrative expenses employees life insurance fund (limitation)	(263,550)	(279,000)	(270,000)	(270,000)	(270,000)
Total, Civil Service Commission	67,927,300	111,128,000	110,380,000	110,630,000	110,505,000
FEDERAL AVIATION AGENCY					
Operations	488,930,000	545,500,000	515,775,000	535,000,000	528,000,000
Facilities and equipment	125,000,000	127,000,000	110,000,000	100,250,000	100,250,000
Grants-in-aid for airports (liquidation of contract authorization)	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
Grants-in-aid for airports	75,000,000				
Research and development	35,000,000	50,000,000	35,000,000	45,000,000	40,000,000
Operations and maintenance, National Capital airports		8,000,000			
Operation and maintenance, Washington National Airport	3,475,000		3,500,000	3,663,000	3,581,500
Operation and maintenance, Dulles International Airport	3,276,600		3,810,000	4,045,000	3,985,000
Construction, National Capital airports		4,600,000			
Construction, Washington National Airport	2,000,000		2,075,000	2,075,000	2,075,000
Construction, Dulles International Airport	3,200,000		450,000	450,000	450,000
Civil supersonic aircraft development	20,000,000	60,000,000	60,000,000	60,000,000	60,000,000
Total, Federal Aviation Agency	775,881,600	815,100,000	750,610,000	770,483,000	758,341,500
FEDERAL COMMUNICATIONS COMMISSION					
Salaries and expenses	14,950,550	16,500,000	15,800,000	15,400,000	15,600,000

INDEPENDENT OFFICES APPROPRIATION BILL, 1964 (H.R. 8747)—Continued

Comparative statement of appropriations for 1963 and estimates and action taken on items in the bill for 1964—Continued

Item	Appropriations, 1963	Budget estimates, 1964	House bill	Senate bill	Conference action
FEDERAL POWER COMMISSION					
Salaries and expenses	11,080,000	12,675,000	11,750,000	11,950,000	11,850,000
FEDERAL TRADE COMMISSION					
Salaries and expenses	11,472,500	13,028,000	12,100,000	12,329,500	12,214,750
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	43,900,000	46,850,000	45,700,000	45,700,000	45,700,000
GENERAL SERVICES ADMINISTRATION					
Operating expenses, Public Buildings Service	$184,386,500	$216,439,000	$200,875,000	$214,875,000	$210,875,000
Repair and improvement of public buildings	65,000,000	75,000,000	75,000,000	75,000,000	75,000,000
Construction, public buildings project	180,955,600	171,965,000	152,540,700	163,623,150	157,600,800
Sites and expenses, public buildings projects	30,500,000	41,100,000	40,000,000	40,000,000	40,000,000
Payments, public buildings purchase contracts	5,440,000	5,200,000	5,200,000	5,200,000	5,200,000
Expenses, U.S. court facilities		1,587,000	1,030,600	1,030,600	1,030,600
Additional court facilities	8,500,000				
Improvements, National Industrial Reserve Plant No. 485	1,100,000				
Hospital facilities in the District of Columbia	375,000				
Operating expenses, Federal Supply Service	42,212,000	51,000,000	45,500,000	46,500,000	46,000,000
General supply fund	38,500,000	35,000,000	30,000,000	30,000,000	30,000,000
Operating expenses, Utilization and Disposal Service (indefinite appropriation of receipts)	(8,756,500)	(10,000,000)	(9,275,000)	(9,500,000)	(9,387,500)
Operating expenses, National Archives and Records Service	14,416,100	15,000,000	14,730,000	14,730,000	14,730,000
Operating expenses, Transportation and Communications Service	4,287,000	5,870,000	4,725,000	4,975,000	4,850,000
Federal telecommunications fund	9,000,000				
Strategic and critical materials: (Indefinite appropriation of receipts)	(18,095,000)	(28,145,000)	(23,925,000)	(23,925,000)	
Salaries and expenses, Office of Administrator	1,405,100	1,500,000	1,438,000	1,438,000	1,438,000
Allowances and office facilities for former Presidents	320,000	300,000	300,000	300,000	300,000
Administrative operations fund (limitation)	(17,538,000)	(20,194,000)	(18,150,000)	(13,580,000)	(18,150,000)
Total, General Services Administration	586,397,300	619,961,000	571,339,300	597,671,750	587,024,400
HOUSING AND HOME FINANCE AGENCY					
Office of the Administrator:					
Salaries and expenses	14,728,000	16,675,000	15,325,000	15,725,000	15,525,000
Urban planning grants	18,000,000	23,500,000	21,150,000	21,150,000	21,150,000
Urban studies and housing research	375,000	2,500,000	387,400	387,400	387,400
Mass transportation demonstration grants	32,500,000	5,000,000	5,000,000	5,000,000	5,000,000
Administrative expenses, mass transportation activities	(200,000)	195,000	(195,000)	(195,000)	(195,000)
Open-space land grants	15,000,000	32,325,000	15,000,000	15,000,000	15,000,000
Low-income housing demonstration grants	3,000,000	5,065,000	1,200,000	1,200,000	1,200,000
Public works planning fund	12,000,000	20,000,000	2,000,000	2,000,000	2,000,000
Urban renewal fund (liquidation of contract authorization)	300,000,000	200,000,000	100,000,000	100,000,000	100,000,000
Housing for the elderly fund	70,000,000	125,000,000	75,000,000	100,000,000	100,000,000
Total, Office of the Administrator	465,603,000	430,260,000	235,062,400	260,462,400	260,262,400
Public Housing Administration:					
Annual contributions	180,000,000	205,000,000	197,000,000	197,000,000	197,000,000
Administrative expenses	14,881,500	16,150,000	15,484,000	15,484,000	15,484,000
Total, Public Housing Administration	194,881,500	221,150,000	212,484,000	212,484,000	212,484,000
Total, Housing and Home Finance Agency	660,484,500	651,410,000	447,546,400	472,946,400	472,746,400
INTERSTATE COMMERCE COMMISSION					
Salaries and expenses	23,502,800	25,450,000	24,500,000	24,840,000	24,670,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Research, development, and operation	2,897,878,000	4,912,000,000			
Research and development			3,926,000,000	3,926,000,000	3,926,000,000
Construction of facilities	776,237,000	800,000,000	680,000,000	680,000,000	680,000,000
Administrative operations			494,000,000	494,000,000	494,000,000
Total, National Aeronautics and Space Administration	3,674,115,000	5,712,000,000	5,100,000,000	5,100,000,000	5,100,000,000
NATIONAL CAPITAL HOUSING AUTHORITY					
Operation and maintenance of properties	40,000	43,000	43,000	43,000	43,000
NATIONAL SCIENCE FOUNDATION					
Salaries and expenses	322,500,000	589,000,000	323,200,000	373,200,000	353,200,000
RENEGOTIATION BOARD					
Salaries and expenses	2,450,000	2,650,000	2,550,000	2,550,000	2,550,000
SECURITIES AND EXCHANGE COMMISSION					
Salaries and expenses	13,261,700	14,400,000	13,775,000	14,100,000	13,937,500
SELECTIVE SERVICE SYSTEM					
Salaries and expenses	37,714,200	38,140,000	37,840,000	37,940,000	37,940,000
VETERANS' ADMINISTRATION					
General operating expenses	161,129,950	159,750,000	159,750,000	159,750,000	159,750,000
Medical administration and miscellaneous operating expenses	13,981,950	14,982,000	14,510,000	14,800,000	14,800,000
Medical and prosthetic research	30,500,000	33,742,000	31,720,000	36,720,000	33,742,000
Medical care	1,048,172,300	1,087,688,000	1,075,186,000	1,081,186,000	1,081,186,000
Compensation and pensions	3,874,000,000	3,921,000 000	3,921,000,000	3,921,000,000	3,921,000,000
Readjustment benefits	95,800,000	101,100,000	67,000,000	67,000,000	67,000,000
Veterans insurance and indemnities	32,000,000	30,200,000	30,200,000	30,200,000	30,200,000
Construction of hospital and domiciliary facilities	77,000,000	81,000,000	72,754,000	76,877,000	76,796,000
Grants to the Republic of the Philippines	500,000	310,000	310,000	310,000	310,000
Loan guarantee revolving fund (limitation on obligations)	(311,603,000)		(246,240,000)		(300,000,000)
Total, Veterans' Administration	5,333,084,200	5,429,772,000	5,372,430,000	5,387,843,000	5,384,784,000
Total, definite appropriation	11,842,799,800	14,620,443,000	13,069,518,700	13,356,789,650	13,191,205,550
Total, indefinite appropriation of receipts (proceeds of sales)	26,851,500	38,145,000	33,200,000	33,425,000	33,312,500
Total appropriations, title I	11,869,651,300	14,658,588,000	13,102,718,700	13,390,214,650	13,224,518,050

Administrative and nonadministrative expenses

[Limitation on amounts of corporate funds to be expended]

Corporation or agency	Appropriations, 1963	Budget estimates, 1964	House bill	Senate bill	Conference action
Federal Home Loan Bank Board:					
Administrative expenses	($2,037,500)	($2,470,000)	($2,430,000)	($2,430,000)	($2,430,000)
Nonadministrative expenses	(11,580,750)	(12,934,000)	(12,800,000)	(12,800,000)	(12,800,000)
Federal Savings and Loan Insurance Corporation	(1,160,900)	(1,335,000)	(1,315,000)	(1,315,000)	(1,315,000)
General Services Administration: Reconstruction Finance Corporation liquidation fund	(25,000)				
Housing and Home Finance Agency:					
College housing loans	(1,847,500)	(1,925,000)	(1,903,000)	(1,903,000)	(1,903,000)
Public facility loans	(1,188,000)	(1,280,000)	(1,220,000)	(1,220,000)	(1,220,000)
Housing for the elderly	(744,000)	(1,250,000)	(770,000)	(1,000,000	(885,000)
Revolving fund (liquidating programs)	(145,000)	(140,000)	(135,000)	(135,000)	(135,000)
Federal National Mortgage Association	(8,392,500)	(9,125,000)	(8,750,000)	(8,750,000)	(8,750,000)
Federal Housing Administration:					
Administrative expenses	(10,732,500)	(9,900,000)	(9,920,000)	(9,600,000)	(9,500,000)
Nonadministrative expenses	(69,305,000)	(78,150,000)	(76,065,000)	(77,065,000)	(76,565,000)
Public Housing Administration:					
Administrative expenses	(14,881,500)	(16,150,000)	(15,484,000)	(15,484,000)	(15,484,000)
Nonadministrative expenses	(1,223,750)	(1,600,000)	(1,240,000)	(1,600,000)	(1,420,000)
Total, administrative expenses	(123,263,900)	(136,259,000)	(131,312,000)	(133,302,000)	(132,407,000)

Mr. ALLOTT. Mr. President, I wish to take a few minutes to try to clear up two or three points in the report. The distinguished Senator from Massachusetts called the attention of the chairman of the committee to the language appearing on page 12 of the conference report, which reads as follows:

The conferees are agreed that no further funds are to be provided for shelter survey and stocking.

I am quite sure—and I should like to have the assurance of the Senator from Washington—that it was certainly not our intention when we approved that particular amendment that there would be no further funds used for stocking. What that language means is that no further funds, other than those included in the bill, will be used for stocking this particular year.

Mr. MAGNUSON. As I understand, that is the interpretation of the conferees and is correct. I agree.

Mr. ALLOTT. Mr. President, under the heading of "Space Appropriations," in the Senate report, on page 20, the following language appears:

The committee found that the National Aeronautics and Space Administration has initiated an academic grant program which is projected to cost between $21 and $28 million per year in the near future. Because of the overlap with other governmental grant education programs, the committee questions the propriety of such a program administered by this agency, and therefore directs that no new grants be made without specific authorization and appropriation.

When the bill was before the Senate, it was agreed by the distinguished senior Senator from New Mexico [Mr. ANDERSON], the chairman of the committee, by me, and by other Senators that what this meant was that no new grants should be made but that it would not forbid the continuance of those underway.

I find in the language of the conference report, written by the House conferees—and this matter was not discussed at all, so far as I can remember, in the conference committee—on page 16:

The committee of conference is agreed that the academic grant program be carried out within funds appropriated and under good administrative practices; that NASA employment should be held to the minimum required for the expanded program, and the number of employees is to be governed by the funds allowed.

How to interpret that language is a question.

It is my opinion that until the Aeronautical and Space Sciences Committee, under the chairmanship of the distinguished Senator from New Mexico, has an opportunity to act upon such legislation, this matter should be held in abeyance in accordance with the recent language and understanding of the Senate.

We did not discuss this particular item, which was a language matter, in the conference committee, but I interpret the language to mean that we are not appropriating any funds as such for the academic program, and that it will be necessary, if the academic program is carried on, to make way for it out of any funds available. My own feeling is that the position agreed to in the Senate, when the bill passed the Senate a few days ago, is the one which should be sustained.

I should like to speak of one other matter; namely, the National Science Foundation. It is quite complicated. I will try to state it in its bare essence. It involves a program under the National Science Foundation which is called the Mohole project.

The Senate committee put this language in its report:

Such a diversity of scientific and engineering opinion has been presented to the Committee on Project Mohole that it is obvious that construction of the large drilling platform at this time would be unwise. The committee therefore directs that no planning, research, or construction funds leading to such platform be expended until more data is available to this committee upon which it can base a more informed judgment.

No other moneys than those previously appropriated for this purpose shall be expended.

I wish to follow immediately with the language of the House, as shown on page 16 of the conference report on this same matter. This matter was discussed in the committee. We came back to it two or three times:

The committee of conference is agreed that funds are provided for Project Mohole and that the National Science Foundation and the Bureau of the Budget shall use good judgment and work out a sensible proposition.

I wish to make it perfectly clear that we cannot control what the House puts in its reports, but I shall take a few moments to state what it is all about.

Project Mohole is a basic scientific project to go through the first, second, and third layers of the crust of the earth and into the real mantle of the earth. It is a fantastically complicated scientific endeavor, and I shall not go into it at length. There exists at this time nothing but the most rudimentary means of attempting such a grand scientific exploration. We must learn everything new about it as we go along.

The large vessel which has been referred to will cost, by itself, an estimated $16 million. I believe it will cost more than that. With its supporting equipment, the cost of the vessel will be $40 million. The entire Mohole project, it is now estimated, will cost $70 million.

This is the reason for my great concern.

Numerous scientists appeared and testified before the committee. They appeared and testified at my request, because I knew of the great controversy which exists in our scientific community as to how we should proceed with the project. When we are talking about juggling $70 million, I believe there is reason to use a little common horse sense and precaution.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the statements of Dr. Hollis D. Hedberg; of Dr. John Brackett Hersey; of Capt. Lewis Rupp; and of Jack I. McClelland; and letters from Dr. Roger Revelle of the University of California, and from Dr. Walter H. Munk, of the Institute of Geophysics and Planetary Physics of the University of California; and I ask unanimous consent that there may be printed in the RECORD immediately prior to the excerpts from the statements by these men short biographies of these men.

The PRESIDING OFFICER. Without objection, the several requests by the Senator from Colorado are agreed to.

The excerpts and biographical sketches, ordered to be printed in the RECORD, are as follows:

DR. HOLLIS D. HEDBERG, CHAIRMAN, AMSOC COMMITTEE

Professor of geology, Princeton University; vice president for exploration, Gulf Oil Corp. Previously, petrographer, Lago Petroleum Corp.; director, Geological Lab, Mene Grande Oil Co.; chief geologist, exploration coordinator, Gulf Oil Corp.

Geology: Compaction of sediments, micropaleontology, sedimentary petrology; use of heavy minerals in stratigraphical studies; geology of Caribbean region and South America; petroleum geology in Africa; stratigraphic nomenclature.

Ph. D. stratigraphy, Stanford University, 1937. Member, National Academy of Sciences; president, Geological Society of America, 1960; recipient of Medalla Honor, Venezuela, 1941; Sidney Powers Medal, 1963; Ph. D. (honorary), Kansas University, 1963.

Commissioner and chairman, American Commission on Stratigraphic Nomenclature; chairman and president, International Subcommittee on Stratigraphical Terminology; chairman, U.S. committee (geology-geophysics) 6th World Petroleum Congress, 1963; director, Cushman Foundation for Foraminiferal Research; member, U.S. National Committee, International Union of Geological Sciences; U.S. delegate, ECAFE Conference, Teheran. Served as member and consultant on committees, panels and working groups of NASA and other Government agencies.

STATEMENT OF DR. HOLLIS D. HEDBERG, CHAIRMAN, AMSOC COMMITTEE, DIVISION OF EARTH SCIENCES, NATIONAL ACADEMY OF SCIENCES—NATIONAL RESEARCH COUNCIL, NATIONAL SCIENCE FOUNDATION

MOHOLE PROJECT

This project can readily be one of the greatest and most rewarding scientific ventures ever carried out. I must say also that it can just as readily become instead only a foolish and unjustifiably expensive fiasco if there is not insistence that it be carried out within a proper concept and in a well-planned, rigorously logical, and scientific manner. There must be insistence that it not be allowed to degenerate into merely another costly publicity stunt. The Amsoc Committee, as originator of the project, feels a deep public responsibility for this project, and is dedicated to keeping this pioneering effort on a sound and rational basis which will give to science and engineering and to this country a maximum return in value received for dollars spent. I might further add that personally I would far rather see this project killed where it now stands than to see it carried out in a manner not worthy of its potentialities or in any way which will not insure that the country gets its maximum money's worth in scientific and engineering achievement in return for the large expenditure which must necessarily be involved.

The Amsoc Committee carried out directly the first phase of the project—experimental oceanic drilling early in 1961 at La Jolla and at Guadalupe Island sites on the Pacific coast, which yielded very significant results.

The need for an intermediate stage between the first experimental drilling and the ultimate objective of the project was clearly recognized in the first published statement of the objectives of the project printed in the Scientific American of April 1959.

RECOMMENDATION OF INTERMEDIATE DRILLING PROGRAM

In June of 1961, at the time of the decision to turn operations over to a prime contractor, the Amsoc Committee had recommended an intermediate drilling program and had even included the prompt construction and operation of an intermediate vessel in their budget for the fiscal year 1962.

Specific recommendations for an intermediate stage and an intermediate vessel were submitted by the Amsoc Committee to NSF several times before NSF signed the contract with the prime contractor and these recommendations have subsequently been repeated by the Amsoc Committee many times both orally and in written communications to NSF.

The Amsoc Committee consists of some 20 scientists and engineers from universities, research institutions, and industry, selected for their competence in the field with which the project is concerned and for their interest and ability to aid in the accomplishment of the objectives of the project.

In addition, the Committee has established special panels to give attention to particular aspects of the project and these panels include not only Amsoc members but also draw on the experience and ability of some 25 additional scientists and engineers selected from research and industrial organizations throughout the country for their competence in particular fields.

These panels are those of site selection, scientific objectives and measurements, drilling techniques, naval architecture, and oceanic sediments drilling.

Neither Amsoc Committee members nor Amsoc panel members receive any remuneration for their services, but donate these freely in the interests of science and engineering.

COMMITTEE CONCEPT OF PROJECT

The Amsoc Committee concept of the project calls for a progressive and orderly approach to the ultimate drilling investigation of the earth's mantle by investigating first, with a vessel of moderate drilling depth capacity, certain aspects of the oceanic crust to moderate depths below the ocean floor, thus achieving some of the more readily attainable, but no less important, shallow and moderate depth objectives, while at the same time gaining the experience, know-how, and general geologic background necessary for a more assuredly successful attainment of the deeper and more difficult ultimate goals.

The work of the intermediate stage is in Amsoc's concept a natural and an integral part of the Mohole project. It is also an absolute essential to the justification of the cost of this project.

RECOMMENDATION

Now, the Amsoc Committee has recommended this approach to the National Science Foundation for reasons including the following:

1. The information to be obtained from a number of strategically located, moderate depth, oceanic holes is essential to the proper choice of the best location for a Mohole.

2. The information from such holes is essential background for adequate interpretation of the results of a Mohole when drilled.

3. The information which can be obtained from any one of the moderate depth holes will be, at this stage in our knowledge, a contribution to science and national prestige at least equally as great as may be expected from penetration of the Mohole, and can be attained much earlier and much more certainly.

4. The drilling of moderate depth holes in oceanic waters will furnish invaluable experience in vessel design and drilling techniques for use in ultimate Mohole drilling, which may very conceivably mean the difference between success and failure in attaining the ultimate objectives of the project.

5. Experience and knowledge gained in preparatory drilling may well result in overall long-range economy and reduction in costs for the project as a whole.

6. The more easily accomplished initial moderate depth holes will provide definite insurance for the success of the project, regardless of success or failure to reach the Mohole, by the early attainment of other goals of major importance.

7. The program of the intermediate stage approach is in harmony with the broad framework of the project as previously approved by Congress.

ESSENTIALITY OF INTERMEDIATE VESSEL

The use of a special vessel of moderate drilling depth capacity—the intermediate vessel—rather than the ultimate Mohole vessel for this experimental-exploratory stage is essential because of:

1. the greater mobility of such a smaller vessel and its ability to move readily from one ocean to another;

2. the lesser delay involved in its construction and the consequent advantage of earlier returns of data;

3. the need for experience with a moderate-depth drilling vessel in order to decide what should be the final character of the ultimate vessel;

4. the advantage of having further experience available for utilization in the design and construction of drilling equipment;

5. the need for continuing investigation of alternative and supplementary sites during the long interval in which the ultimate vessel will be tied up on its initial Mohole effort, estimated at maybe 2 or 3 years;

6. the overall long-range economy to the project which it could effect in terms of results obtained for money expended; and

7. the fact that such an intermediate vessel would find immense and continuing service in the long-range national investigation of ocean crustal sediments which is quite certainly to be anticipated after the immediate objectives of the Mohole project have been fulfilled.

In conclusion, let me reiterate what has been the strong recommendation of the Amsoc Committee to NSF for at least the last 2 years.

RECOMMENDATIONS

We strongly recommend that the Mohole project be carried forward only by a route which involves, as an initial and integral part of the project, an adequate preparatory stage of moderate-depth experimental-exploratory oceanic drilling (intermediate stage) carried out by a mobile vessel of moderate drilling depth capacity (intermediate vessel).

We believe this is the sane, logical, and economical approach which will not only provide the best promise of an eventual successful sampling of the deep mantle but will also provide a maximum return in national scientific prestige through its early contribution of numerous discoveries in the suboceanic sediments and deeper crust of equal or even greater scientific importance, prior to a possible eventual Mohole penetration.

We believe that this approach offers positive assurance of a successful project, whether or not the Mohole is attainable at greater depths, and that it is the only approach which justifies the expenditure of the taxpayers' dollars and which will have the support of the vast majority of scientists, engineers, and the informed public.

DR. J. BRACKETT HERSEY, GEOPHYSICIST, WOODS HOLE OCEANOGRAPHIC INSTITUTION

Professor of oceanography, Massachusetts Institute of Technology; previously recorder, U.S. Coast and Geodetic Survey; assistant observer, Phillips Petroleum Co.; instructor, Lehigh University; physicist, Naval Ordnance Laboratory; lieutenant, U.S. Naval Reserve.

Geophysics: Oceanography; reflection and refraction seismic exploration of earth's oceanic crust; heat conductivity; magnetic and gravity exploration; sound transmission in the sea; sound production by marine animals; oil exploration; 27 publications since 1941.

Ph. D. physics, Lehigh University, 1941; individual citation, U.S. Navy, 1945; John Fleming Award, 1958.

STATEMENT OF DR. JOHN BRACKETT HERSEY, CHAIRMAN, GEOPHYSICS DEPARTMENT, WOODS HOLE OCEANOGRAPHIC INSTITUTION

LIMITATION ON PROJECT

NSF and a few Amsoc members continue to prefer to restrict the scope of the Mohole project at most to the limited but worthwhile objectives I outlined to you earlier.

Senator ELLENDER. What percentage in the Amsoc holds a contrary view? I mean of the membership.

Dr. HERSEY. I am perfectly certain of three members of whatever the total membership is. I would like to refer to someone who——

Senator ELLENDER. What is the membership?

Dr. HERSEY. The membership is 20.

Senator ELLENDER. And only three hold as you do?

Dr. HERSEY. No. Only three hold the contrary.

Senator ELLENDER. Oh, contrary.

As far as you know, only three hold a contrary view to what you are now expressing.

Dr. HERSEY. That is correct. Namely, they hold the view in agreement with the restricted definition of the Mohole project as a deliberate restricted program to penetrate to the mantle without taking into account the broader objectives.

DR. MAURICE EWING, CHAIRMAN, OCEANIC SEDIMENTS DRILLING PANEL

Director, Lamont Geological Observatory; Higgins professor of geology, Columbia University; previously associate professor of geology, Lehigh University; research associate, Woods Hole Oceanographic Institution.

Geophysics: Author (or coauthor) of some 174 scientific papers on seismology and marine geology. First to do seismic refraction work at sea. Developed numerous oceanographic instruments including underwater camera and deep-sea corer.

Ph. D. physics, Rice Institute 1931; member, National Academy of Sciences; president, American Geophysical Union, 1956–59; recipient of numerous medals, awards, and honorary degrees.

Served as member and consultant on committees and panels of Geological Society of America, Research and Development Board, International Geophysical Year, National Academy of Sciences-National Research Council, National Aeronautics and Space Administration, and President's Science Advisory Committee.

LETTER FROM MAURICE EWING

Senator ALLOTT. Are you, Doctor, acquainted with Maurice Ewing of the Lamont Geological Observatory at Columbia University?

Dr. HERSEY. I am.

Senator ALLOTT. In a letter to me he says:

"I note you have also invited Drs. Revelle and Hersey. If as appears likely, I am at sea at the time of the hearings, you will receive from them a good account of my views because we thoroughly agree on this subject."

I take it, then, from his letter to me, that he is in accord with Dr. Revelle's ideas and yours that the intermediate work should precede the all-out construction of a huge deep large vessel for the primary purpose of making one penetration of the earth's mantle.

Dr. HERSEY. I believe that is correct, sir.

Senator ALLOTT. And you know, do you, that he and you are in accord on your views on this matter?

Dr. HERSEY. Yes.

CAPT. LEWIS A. RUPP, U.S. NAVY, RETIRED, CHAIRMAN, NAVAL ARCHITECTURE PANEL, AMSOC

Executive vice president, Ionics, Inc., previously head, Hydromechanics Division, David Taylor Model Basin, U.S. Navy; Propeller and Shafting Division, Bureau of Ships, U.S. Navy; design superintendent, Navy Ship Yard, Portsmouth, N.H.

Naval architecture: Hydromechanics; naval construction; marine engineering; ship shafting; metallurgy.

B.S., U.S. Naval Academy 1937; M.S., naval construction and marine engineering, Massachusetts Institute of Technology 1943; advanced metallurgy, University of Maryland.

STATEMENT OF CAPT. LEWIS RUPP, U.S. NAVY, RETIRED

The Naval Architecture Panel of the Amsoc Committee was formed in August 1961 to provide advice to the Amsoc Committee concerning the naval architecture and marine engineering problems associated with deep drilling from a floating vessel at sea. The panel members comprise a group of the most eminently qualified naval architects and engineers in the country today.

SELECTION OF PRIME CONTRACTOR

Initially, and prior to the selection of a prime contractor for the Mohole project, the panel met several times to review the state of the art in deep ocean drilling and to discuss vessel specifications and characteristics for carrying out a logical and necessary development program, leading ultimately to uncovering the mysteries of the earth's crustal layers and penetration of the mantle.

From these studies came a unanimous recommendation for a two-ship program. We believed that this approach not only would minimize the risk of scientific failure but also would be less costly, overall. An intermediate-size ship, with capabilities of drilling to 20,000 to 25,000 feet, with low initial and operating costs, was considered the most satisfactory solution to carrying out the experimental drilling program necessary for determining suitable site selection for the ultimate Mohole drilling, for developing untried drilling methods, techniques, and equipment, for evaluating ship positioning equipment and control instrumentation, for developing buoyancy methods for the riser casing and methods of attachment to the ship, for developing hole reentry techniques, for evaluating down-hole scientific measuring instruments, and a host of other problems.

ALTERNATIVE TO INTERMEDIATE VESSEL

The alternative was to design an ultimate vessel and equipment at once, with capability of penetrating to the mantle. The prime contractor for the project has followed the latter course, which, I believe, entails the route of highest cost and risk. When a solution of a magnitude of new design problems for development of tools, techniques, and procedures are required, it is not feasible, in my opinion, to attempt to solve all of them at one time by paper studies. Certainly, some of the problems to be encountered will be satisfactorily solved by such an approach, other so-called problems for which great effort and cost has been expended, will not turn out to be problems at all, and many new problems and changes in developments, which were not perceived in advance will be encountered when we finally get on with the job. There is no substitute for an orderly experience-gathering approach to such a complex system development.

It is an extremely costly vehicle both in first cost and operating cost, and lacks the mobility for economically carrying out a thorough exploratory and site selection program.

Even at this date, I firmly believe that the public and the scientific community would be best served by carrying out a two-ship program.

Immediate investment in a modest intermediate vessel, with deferral of construction of the ultimate vehicle until some of the development problems are better defined, would not only save the public considerable dollars, serve the scientific community more fully with earlier concrete results, but also minimize the risk of a major fiasco.

DR. JACK I. MCLELLAND, PH. D., VICE PRESIDENT, OCEAN SCIENCE & ENGINEERING, INC.

Chief Engineer for National Academy of Sciences on Mohole phase I.

Degrees: Engineer of mines, Colorado School of Mines, 1950; geological engineer, Colorado School of Mines, 1953; Ph. D., mechanical engineering, Clausthall-Zellerfeld, Berg Akademie, Germany, 1959; was ship engineer in merchant marine, 1940–42 and 1944–47; with AEC on the Colorado Plateau, 1953–54; with a private company as exploration geologist, mine superintendent, and chief of drilling operations for oil and minerals, 1954–56.

STATEMENT OF JACK I. MCLELLAND, VICE PRESIDENT, OCEAN SCIENCE & ENGINEERING, INC.

OBJECT OF PROJECT

When the Mohole project began in 1958 its object was to try to learn about the nature and history of the layers of the earth's crust beneath the sea by drilling; eventually we hope to sample the earth's mantle. This progressive concept of the project has permeated every National Academy of Sciences publication on the subject and I can assure you that whatever else you may hear, this is the basis upon which we have worked since 1958—certainly up until the project was taken over by the National Science Foundation.

PLAN OFFERED FOR PROJECT

In keeping with that idea and taking into consideration the things learned in the experimental drilling (which, by the way, did not complete phase I as originally conceived) in Ocotober 1961, the Amsoc staff, under Willard Bascom, set forth a plan for the future of the project.

I wish now to quote from the memorandum of October 1, 1961:

"In the opinion of the staff and its principal consultants, it would not be prudent to begin by trying to design and build the ultimate deep-drilling ship in final form with all the complications that are entailed.

"Our opinion as engineers is that the proper way to proceed is to build an experimental drilling ship of modest proportions and use it to develop ideas and equipment and to work out logistics problems at a relatively small cost. We propose that this ship be equipped to reach downward 20,000 feet with a drill bit. (Note that this is half a mile deeper than the Soviet land record; equal to the U.S. land record of only 10 years ago; deep enough to reach the third layer at sea in many places.)

This is the intermediate ship concept.

It is our considered opinion that it is necessary to have an experimental (intermediate) ship on which new devices can be tested. We believe that in the end the Moho will be reached sooner and for less cost if this course is followed."

In December 1962, our company, in formal proposal to the Amsoc Committee of the National Academy of Sciences, offered to design, build, and operate the drilling ship that we had first proposed as members of the NAS staff. In that proposal (which would not change substantially if we re-

wrote it today) we gave detailed characteristics, costs, and time schedules. The cost of building that ship and operating it for 2 years in a deep sea drilling program will be somewhat less than $10 million if OSE manages the work.

On the other hand, assuming that the presently proposed six-column platform is the proper route to the Mohole, it means another year of study, 2 years of design, construction, and testing, and 2 to 3 years of drilling. At that time, roughly 8 years after the successful work at Guadalupe Island, all of the oceanic crust except that one site will remain to be explored.

DR. ROGER REVELLE, DIRECTOR, SCRIPPS INSTITUTION OF OCEANOGRAPHY, AND UNIVERSITY DEAN OF RESEARCH, UNIVERSITY OF CALIFORNIA

Previously commander, U.S. Naval Reserve, U.S. Naval Electronics Lab, and Buships; head, geophysics branch, ONR; with Operation Crossroads and resurvey; science adviser to Secretary of Interior; leader, several Pacific oceanographic expenditures.

Oceanography: Physical oceanography and geology of the sea floor. Author of some 59 scientific papers.

Ph. D., oceanography, University of California, 1936; member, National Academy of Sciences, 1957; several distinguished awards including Albatross Medal of Swedish Royal Society of Science and Letters, 1954.

President, Special Committee on Oceanic Research, International Council of Scientific Unions; First International Oceanographic Congress at the United Nations; Chairman, Divisional Committee for Mathematical, Physical, and Engineering Sciences, NSF; Oceanography Panel, Research and Development Board; member, several congressional, Government agency, and Academy advisory committees and panels.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., October 19, 1963.

Hon. GORDON ALLOTT,
Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: I am sorry that a reply to your letter of September 4, 1963, has been so long delayed. I have two jobs in the University of California, one as director of the Scripps Institution of Oceanography in La Jolla, and the other as university dean of research, with headquarters in Berkeley. In addition, I have been spending a good deal of time during recent weeks in Washington. One of the unfortunate results of this complicated business is that your letter did not catch up with me until recently.

I am well aware of your enlightened interest in Project Mohole. You have the gratitude and respect of many scientists for the concern you have expressed that the tremendous scientific potential of the project should be realized.

If you think a useful purpose would be served, I should be glad to testify before the Senate Independent Offices Appropriations Subcommittee at a suitable time. However, I am convinced that the new Director of the National Science Foundation, Dr. Leland Haworth, is giving the most serious and perceptive attention to the project, based on his great experience in handling large scientific-engineering ventures. He has been consulting many knowledgeable persons and listening carefully to their views. Public discussion of such an important public matter as the mohole project is always desirable, particularly when it takes place in the great forum of a Senate subcommittee. But in the changed circumstances of the past few months, such discussion might be premature until Director Haworth has had a chance to formulate his plans and to present them to the Congress.

Your judgment on this matter is far better than mine, and I shall await word as to your wishes.

Very truly yours,

ROGER REVELLE.

DR. WALTER H. MUNK, PROFESSOR OF GEOPHYSICS AND ASSOCIATE DIRECTOR, INSTITUTE OF GEOPHYSICS, UNIVERSITY OF CALIFORNIA

Previously with University of California Division of War Research; meteorologist, Directorate of Weather, Army Air Force; professor of geophysics, Scripps Institution of Oceanography.

Geophysics: Author of some 85 scientific papers on ocean waves, wind stress and ocean currents, rotation of the earth.

Ph. D. oceanography, University of California, 1947; member, National Academy of Sciences, 1956; with President's Science Advisory Committee, 1959 to present; Guggenheim Fellowships, University of Oslo, Norway, and Churchill College, Cambridge, England; member, executive committee, American Geophysical Union; Tsunami Committee, and the International Latitude Service, International Union of Geodesy and Geophysics.

UNIVERSITY OF CALIFORNIA, INSTITUTE OF GEOPHYSICS AND PLANETARY PHYSICS, LA JOLLA LABORATORIES,
La Jolla, Calif., October 24, 1963.

Senator ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I very much regret that I cannot testify before the National Science Foundation Appropriations Committee concerning Mohole. For about 4 months I have had a speaking engagement on the Riverside campus of the University of California on this particular day, October 28. It would, perhaps, be helpful if I would put down my feelings in this letter.

In our meeting with Director Haworth on September 28, he stated very clearly that the National Science Foundation will relinquish the scientific supervision of the Mohole project to a university or a group of universities. This is the first breath of fresh air after a number of years during which there has been mutual distrust and lack of confidence. Dr. Haworth proposes to put the responsibility and authority into the hands of the people who are most concerned to see the project succeed, those who are interested in the scientific results. This is how it should have been when we came back from Guadalupe Island in 1961. I hope we can put Dr. Haworth's proposal into effect at once.

A study by Bascom and his associates 3 years ago convinced me of the wisdom to attack the project in three phases:

1. A feasibility study (which was successfully carried out during the work off California and near Guadalupe Island);

2. An intermediary program to explore the upper crust (both for its intrinsic interest and for determining the conditions under which mohole will be drilled) and to continue the study of technical problems;

3. The deep holes.

Most of Amsoc favored this step-by-step approach. There has been opposition from NSF and Brown & Root concerning step 2, but by now I think everyone is agreed on the intermediary program. There is disagreement as to whether it should be carried out from an intermediary vessel or the ultimate platform. I favor the intermediary vessel for the following reasons:

1. We could get started more quickly.

2. It would be cheaper and less cumbersome to operate during the intermediary program (estimated duration: 3 years).

3. At the end of the 3 years, one will want to radically redesign the platform, and this might involve half its original cost.

4. There is a chance, ever so slight, that mohole itself can be drilled from the intermediary vessel using radically new techniques.

5. At the end of the intermediary program, a vessel would be available for continuing the exploration of the sediments and upper crust.

I think that the two-ship approach will be cheaper by more than $10 million. Brown & Root's figure for the differential is much smaller. These estimates should be checked by an independent group. In all events, I would urge that this most important decision not be made prior to the time a university group takes over the management of mohole. The judgment of this university group should not be foreclosed by prior decisions on the part of NSF or Brown & Root. It would also seem reasonable that this university group should have the freedom to make its own choice of subcontractors, such choice being dictated solely by considerations of competence.

You may think, Senator ALLOTT, that the gradual approach here proposed is too timid and that the immediate construction of the ultimate vessel means a decisive leap forward to get the job done. I have never yet worked on a new problem in oceanography where the equipment we developed and the methods we used were not hopelessly outdated after a couple of years. The oceans do not yield readily to methods of brute force. I see no evidence on the basis of performance to date that Brown & Root can hope to build a platform now that they will find satisfactory 3 years after it is completed.

I have been credited by some as one of the originators of mohole. I remain convinced that it is a feasible and rewarding scientific venture. I hope it can receive support on this basis. Its success should be measured on its scientific merit in all phases. It is not an engineering spectacular.

Sincerely yours,

WALTER H. MUNK,
Associate Director.

Mr. ALLOTT. Mr. President, this may seem like a great deal of information to put in the RECORD, but I am most anxious to call to the attention of the people of the United States the fact that these men are the heads of the 3 largest oceanographic institutions in the United States. Included among these men are the people who did phase 1 of Operation Mohole, who know what is involved and how it can best be accomplished.

For the sake of the RECORD, I wish to make it clear that until I have been personally assured that the scientific community has arrived at some agreement as to how this project should proceed, I shall never cease trying to slow it down. I wish to be assured that it is on a sound footing.

When the great majority of the scientific personnel in this country, who are knowledgeable in this field, say that proceeding with the larger vessel is a mistake, I think any cautious, prudent, ordinary man ought to stop and listen; and I am stopping and listening and urging my colleagues to do so.

That is all I have to say about this matter now.

THE CLEAN AIR ACT—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate

to the bill (H.R. 6518) to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, I urge the adoption of the conference report, and I wish to discuss it briefly. The report is signed by all of the conferees on the part of the House and the Senate, and the report has been accepted by the House of Representatives.

The House bill amended the entire act of July 14, 1955, the existing statute on air pollution. The Senate amendment struck out all after the enactment clause of the House bill and inserted a complete revision of such act of July 14, 1955.

The proposed conference substitute is also a complete revision of the act of July 14, 1955, and reflects the agreement which was reached between the conferees.

The Senate conferees pressed strongly for the provisions of subsection (d) of section 3, which would provide that all scientific or technological research or development activity contracted for, sponsored, cosponsored, or authorized under authority of the act which involves the expenditure of Government funds shall be provided for in such manner that all information, uses, processes, patents, and other developments resulting from such activity, with certain exceptions, be available to the general public.

The House conferees insisted that it be deleted because of pending general legislation dealing with this particular subject, and the undesirability of dealing with such matters on a partial basis. The Senate conferees argued strongly for its retention, but finally reluctantly accepted the deletion.

DIFFERENCES BETWEEN THE BILL AS PASSED BY THE SENATE AND THE PROPOSED CONFERENCE SUBSTITUTE

1. INVESTIGATIONS, RESEARCH AND SURVEYS

The House in accepting subsection (c)(1) of section 3, which relates to the authority for the Secretary of Health, Education, and Welfare to conduct research, compile and publish criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of pollution agent or agents in the air, suggested that the language in the House-passed bill which would authorize the Secretary to make recommendations to appropriate agencies with respect to air quality criteria be restored.

The Senate agreed to include the original House language, in addition to the Senate amendment, so that the Secretary would not only be called upon to conduct research and compile and publish criteria, but he would also be authorized to recommend such criteria of air quality as in his judgment may be necessary to protect the public health and welfare. The Senate conferees agreed to the deletion of the word "only" in subsection (c)(1) where it was provided that "any such criteria shall be published for informational purposes only." This was done in order that information developed by departmental sponsored research could be used by the Secretary in making recommendations under section 3(c)(1) as agreed to by the conferees.

2. GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

The House accepted the Senate version of section 4 relating to grants for air pollution programs substantially in the form as passed by the Senate, except for clarifying amendments designed to insure, first, that not more than 20 percent of the annual appropriations made to carry out the act shall be available for grants; and second, that no agency whose expenditures of non-Federal funds for air pollution programs during a fiscal year are less than its expenditures for such programs during the preceding year shall be eligible to receive any grant during that fiscal year.

3. CONFERENCE ON ABATEMENT OF AIR POLLUTION

The Senate-passed version provides that the Secretary may, after consultation with State officials, also call a conference whenever, on the basis of reports, surveys, and studies, he has reason to believe that air pollution is occurring in any State or States which endangers the health or welfare of any persons. The conferees agreed that the language should be clarified to provide that State officials of all affected States shall be consulted by the Secretary before he calls a conference.

4. MEMBERSHIP OF HEARING BOARD

The conferees accepted the Senate provisions with respect to Federal membership on the Hearing Board. They adopted a technical amendment to make it clear that each Federal department, agency or instrumentality which has a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of the Hearing Board.

The Senate amendment provided that members of the Hearing Board who are not regular, full-time officers or employees of the United States, be entitled to receive compensation at not to exceed $100 per diem. The Senate receded and accepted the House language which provided $50 per diem.

5. ABATEMENT OF AIR POLLUTION

The proposed conference substitute is the same as the Senate amendment, except for certain technical amendments to clarify congressional intent that the request of the Governor of the State must be obtained before the Secretary can request the Attorney General to bring suit to secure abatement of intrastate pollution, and a technical amendment to show that subsection (g) relating to evidence in court in a suit is restricted to those suits brought in the U.S. courts.

6. AUTOMOTIVE VEHICLE EXHAUST AND FUEL POLLUTION

The House accepted the provisions of this section (section 6.) The conferees included certain modifying language so that the Secretary would be required to maintain and have liaison with and have representatives on the technical committee from exhaust control device manufacturers in addition to automotive and fuel manufacturers. The Senate amendment had not included this segment of the industry concerned with the automotive exhaust problem.

7. APPROPRIATIONS

First. The Senate receded on section 13(a) in order to permit a $5 million grant program to be initiated during fiscal year 1964 if appropriations are made for such purpose.

Second. Section 13(b) of the Senate bill provided for authorizations for appropriations as follows: Fiscal year 1965, $25 million; fiscal year 1966, $30 million; fiscal year 1967, $35 million; fiscal year 1968, $42 million; fiscal year 1969, $50 million.

The conferees agreed to the appropriations as contained in the Senate bill for fiscal years 1965–67, and the Senate receded from its amendment which provided authorizations for fiscal years 1968 and 1969 with the understanding that the legislative committees in both Houses of Congress will reexamine the program to determine progress being made and the need for authorizations in those and subsequent years. The conferees recognized that air pollution constitutes one of our national problems and that as our population grows and as urbanization expands, increased fiscal support of air pollution programs may be required.

AREAS OF COMPLETE AGREEMENT WITH SENATE AMENDMENTS

A. INVESTIGATIONS, RESEARCH, AND SURVEYS

First. The Senate amendment authorized investigation, research, and surveys to be made in cooperation with air pollution control agencies. The conference adopted the Senate language.

Second. Subsection (a)(4) of section 3 of the House bill would have required the Secretary of Health, Education, and Welfare, as a part of a national research and development program for the control and prevention of air pollution, to conduct specific studies with respect to motor vehicle exhaust fumes. The Senate deleted this provision and substituted section 6 which dealt with the problem more specifically. The House accepted this approach.

Third. The House accepted the Senate provisions with respect to the initiation and conduct of a program of research directed toward the development of improved low cost techniques to extract sulfur from fuel.

Fourth. The Senate amendment provided broader authority for the Secretary to make grants than the House version. The conferees accepted the Senate version.

B. REQUIREMENTS OF REPORTS

The House conferees accepted the Senate amendment to this subsection.

C. COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL INSTALLATIONS

The House conferees accepted the Senate amendment which provides that the Secretary may establish classes of potential pollution sources for which Federal departments or agencies shall, before discharging any matter into the air of the United States, obtain a permit prior to such discharging. These permits would be subject to revocation if the Secretary finds the pollution is endangering the health and welfare of any persons.

D. ADMINISTRATION

The Senate amendment deleted the word "procedural" immediately preceding the word "requirements." This was accepted by the House conferees.

E. DEFINITIONS

Certain amendments were made in the Senate amendment and were accepted by the House conferees.

F. RECORDS AND AUDIT

The House conferees accepted this section in its entirety.

Mr. President, I wish to take this opportunity to congratulate the House and Senate conferees who worked with me on H.R. 6518. We were able to transact our business expeditiously and in a spirit of cooperation. My special thanks go to Representative ROBERTS, chairman of the House conferees and to my colleagues Mr. RANDOLPH, Mr. METCALF, Mr. BOGGS, and Mr. PEARSON.

I believe the product of our endeavors represents a constructive contribution to the solution of air pollution control problems. This was a case where compromise moved us forward. The bill, as now written, is an improvement over both the House and Senate versions.

Mr. President, the report is signed by every member of the conference on the part of the Senate and of the House. The conference report was accepted in the House of Representatives today.

I move the adoption of the report.

The report was agreed to.

CAUSES OF CANCER

Mr. MUSKIE. Mr. President, today's Washington Post carried a story on the report of the World Health Organization on the causes of cancer. The report calls attention to the role of air pollution as a cause of cancer.

I ask unanimous consent that the Washington Post story be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO NAMES EXCESSES THAT CAN CAUSE CANCER

GENEVA, December 9.—Cancer can be caused in human beings through excessive smoking, eating, drinking, or sunbathing, the United Nations World Health Organization reported today. Lipstick and artificial colors and flavors in food were listed among additional causes.

The Organization published a summary of known causes of cancer together with advice on how to prevent it.

The list, divided into 13 main groups, was drawn up by a committee of cancer specialists from 7 countries, convened here by WHO last month. It was the most comprehensive survey of the causes and prevention of cancer ever published by the 110-nation Organization.

The report said: "It is generally accepted that there is a causal connection between cigarette smoking and lung cancer," adding that "studies have shown that there is a clear relationship between the number of cigarettes smoked and the incidence of lung cancer."

The experts listed air pollution as an important cause of cancer. They urged the greatest possible use of electricity and natural gas and control of the fumes of coal and oil installations and of automobile exhausts.

Another major cause of cancer, the report said, is radioactivity in all its forms. "Since the size of the dose required to cause (cancer) is not yet known," the report said, "all radiation received by the individual * * * should be reduced to a minimum."

The American expert on the committee was Dr. Wilhelm C. Heuper of the National Cancer Institute, Bethesda, Md.

BILL OF RIGHTS DAY AND HUMAN RIGHTS DAY

Mr. JAVITS. Mr. President, by proclamation of President Johnson, today has been designated Human Rights Day, December 15, 1963 has been designated Bill of Rights Day, and the week of December 10–17 has been designated Human Rights Week. In his proclamation the President stated that today's observance coincides with the 15th anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights and that the General Assembly has called for special observance of this anniversary "in the hope that it may mark a decisive step forward in the affirmation of these fundamental freedoms."

It would surely be a step forward in the affirmation of these fundamental freedoms if the United States could by law set the standard for nondiscrimination on grounds of race, color or creed which is in good part embodied in the omnibus civil rights bill pending in the other body. On this day an attempt is being made to further progress on that bill by obtaining signatures on a discharge petition, and it would be a most fitting celebration of the event if the necessary number of House Members joined in the petition, which in my view could eventually turn out to be one of the decisive steps in ultimate passage of that bill.

No one provision of law or series of provisions of law will itself guarantee the fundamental human rights which we today honor, but it is important to note on this day that it is the rule of law which underlies those rights. With law, setting an enforceable standard to which men may repair for guidance and support, there is greater likelihood of achieving in actuality and, soon in our domestic society, the precepts which we proclaim to ourselves and to the rest of the world.

FOREIGN ASSISTANCE ACT OF 1963—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7885) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

GOV. RALPH M. PAIEWONSKY, OF THE VIRGIN ISLANDS

Mr. ALLOTT. Mr. President, in 1960, when the present Governor of the Virgin Islands was named, it was the position of the senior Senator from Colorado that the naming of Ralph M. Paiewonsky as Governor was a great mistake. It was my contention then that the great proliferation of his own business interests, and of his family's business interests, could never be separated from his governorship, no matter how he tried, or if he tried; and it was the personal consideration of the Senator from Colorado that he would not try.

Numerous things have come to my attention since then which have only served to fortify that opinion. Because I believe the situation in the Virgin Islands is becoming, and is, a political cesspool, I ask unanimous consent that an editorial in the Daily News, published in Charlotte Amalie, Virgin Islands, touching upon the financial escapades of the Governor, be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FACTS, NOT OPINIONS

In using such words as "vendetta," "fantastic and ridiculous outburst," "frustrated opposition," "insinuation and innuendoes," and "victim of his own frustrations," Gov. Ralph M. Paiewonsky made a public reply to facts recently disclosed by the Daily News regarding sharp real estate practices in which he was directly involved and in which he used his high office to the direct advantage of a company in which he was (and is) financially interested.

We are quite certain that the people of the Virgin Islands are not particularly interested in any opinion which the Governor of the Virgin Islands may have concerning the editor of the Daily News, or vice versa.

In fact, we regard the people of these islands as of such maturity that we believe they are not interested in insinuations, innuendoes, or fantastic or ridiculous outbursts. Nor are they interested in any effort on the part of the Governor to psychoanalyze the editor of the Daily News. We do believe, however, that they are interested in facts, and, as a newspaper, our only concern is to put facts before the people of these islands.

Briefly, to summarize the facts which we disclosed, and which are, of course, a matter of public record in legal documents, 60 acres of choice land in St. Croix, formerly occupied by the hospital building and known as Peter's Farm, was leased to a non-existent real estate development firm in 1955. Within a month the firm was incorporated by Ralph M. Paiewonsky and two others, who agreed

to invest certain funds in the property and to develop it as a housing project, an agreement which was never kept.

Is this true, Governor?

In 1960, the Government of the Virgin Islands, at the request of the then-Governor Merwin, instituted legal proceedings to recover the land and buildings from the corporation because the terms of the lease had not been adhered to.

Is this true, Governor?

In 1962, an agreement was signed between the Government of the Virgin Islands, represented by Gov. Ralph M. Paiewonsky and the firm, of which Ralph M. Paiewonsky had been an incorporator, to sell the 60 acres and the buildings to the firm which had failed to honor its lease agreement, for the sum of $20,000 down and the balance of $80,000 to be paid over a 10-year period.

Is this true, Governor?

The firm, which had failed in its lease originally, was to erect housing units and apartments on the 10 acres of land, which units were to be rented by the Government of the Virgin Islands for a sum exceeding $400,000 over the 10-year period. The remainder of the land was to be used by the real estate development firm.

Is this true, Governor?

A deed executing this agreement and conveying the property to the real estate development firm was recorded in January 1963.

Is this true, Governor?

Considering the source from which the accusations and blasts against the Daily News came, we consider it a compliment to our factual reporting, since the Governor made no attempt to repudiate the facts of the case, but merely sought recourse in personal abuse and psuedo clinical terminology.

We reaffirm our strong belief that the people of the Virgin Islands are not interested in personal opinions or psychoanalyses of individuals, but in facts. We have laid the facts before the public.

If Gov. Ralph M. Paiewonsky wants to, or can, refute these facts, the radio waves and television channels are certainly open to him, and we pledge to him a column in the Daily News.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate consider in sequence the bills on the calendar beginning with Calendar No. 732, H.R. 4479.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINERAL RIGHTS CONVEYED TO STATE OF CALIFORNIA

The bill (H.R. 4479) to provide for the conveyance to the State of California of certain mineral rights reserved to the United States in certain real property in California was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 752), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of H.R. 4479 is to authorize the Secretary of the Interior to sell, at fair market value plus costs, the reserved mineral rights of the Federal Government in a certain tract of land in California to the State of California, which owns the surface of the land.

The area is dedicated to public park purposes, and the Federal reservation of the mineral rights constitutes a cloud upon the title of the State, thus hampering development for public purposes.

BACKGROUND OF PROPOSED LEGISLATION

The lands involved were patented by the United States on July 24, 1928, to one Aaron W. Harlan under the Stock Raising Homestead Act of December 29, 1916 (39 Stat. 862; 43 U.S.C. 301). In accordance with the provisions of that act all minerals, together with the right to prospect for, mine, and remove them, were reserved to the United States.

By deed recorded June 20, 1962, the lands were conveyed to the State of California for use as part of the Julia Pfeiffer Burns State Park. The conveyance was made subject to the outstanding reservation of minerals in the United States, which presents a possible interference with the use of the property for park purposes. The lands involved in H.R. 4479 are considered by the Geological Survey to be without mineral values. Nonetheless, the Secretary of the Interior is without authority to dispose of the mineral estate reserved by the United States.

Because the outstanding mineral estate may interfere with the development of the lands described in the bill by reason of the possibility, even though remote, that exploration for and extraction of minerals might be undertaken and thus interfere with the surface use of the lands, the committee agrees that disposal of the mineral estate by the United States to the State of California, the surface owner, should be effected under conditions that will assure that the interests of the United States are protected.

COST

There is no increase in budgetary requirements involved in nor contemplated by H.R. 4479.

EDUCATIONAL ASSISTANCE TO CHILDREN OF CERTAIN VETERANS

The Senate proceeded to consider the bill (H.R. 221) to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from a disease or an injury arising out of active military service during a period of war, which had been reported from the Committee on Labor and Finance, with amendments, on page 3, line 1, after "SEC. 3.", to insert "(a)"; after line 14, to insert:

(b) Section 1712 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection."

On page 4, line 8, after "SEC. 5.", to insert "(a)"; in line 12, after the word "years", where it appears the first time, to strike out "and below the age of twenty-three years"; in line 16, after the word "this", to strike out "Act." and insert "Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his thirty-first birthday by reason of this section."; and, at the top of page 5, to insert:

(b) Any individual who is an "eligible person" within the meaning of section 1701(a)(1) of title 38, United States Code, due to his parent's death as a result of a service-connected disability shall be considered to be an "eligible person" solely by virtue of the amendments made by this Act if his eligibility due to his parent's death occurred after the age limitation applicable to him under section 1712(a) of title 38, United States Code, and if he is an "eligible person" as defined in the amendments made by this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 733), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

Chapter 35, title 38, United States Code, provides educational assistance for the children of persons who die as a result of service-connected disabilities incurred during the Spanish-American War, World War I, World War II, the Korean conflict, or the induction period. The standards and criteria for determining whether or not a disability arising out of service during a period of war are the same as those applicable in determining disability and death compensation under chapter 11, title 38, United States Code. The same standards and criteria are used for service during the induction period if the disability arises from an armed conflict or from participation in extrahazardous service. In other cases the causative factor of a disability arising from service during the induction period must be shown to have arisen out of the performance of active military, naval, or air service. This law provides education not to exceed 36 calendar months generally between the ages of 18 and 23, with an educational assistance allowance of $110 per month for a program of education pursued on a full-time basis, $80 per month for a program pursued on a three-quarter time basis, and $50 if pursued on a

half-time basis. This chapter originated as Public Law 634 of the 84th Congress.

H.R. 221 will amend the War Orphans' Educational Assistance Act, chapter 35 of title 38, United States Code, to include the children of veterans who are permanently and totally disabled as a result of service-connected disabilities or who were at the time of their death afflicted with a permanent and total service-connected disability.

The same criteria which are presently used to determine whether or not the death of an orphan's parent was service connected will be used to determine whether or not the permanent and total disability of a child's parent is service connected.

Any disability rated total for the purposes of disability compensation which is based on impairment reasonably certain to continue throughout the life of the veteran would meet the requirements of this bill.

This bill would apply if the disability is rated 100 percent in accordance with the regular provisions of the 1945 rating schedule, providing it is based on an impairment reasonably certain to continue throughout the veteran's lifetime. Temporary ratings of 100 percent assigned during periods of hospitalization or convalescence under paragraph 28, 29, or 30 of the 1945 rating schedule could not serve as a basis for the grant of benefits under this law. A rating protected under the 1925 rating schedule or a rating protected after 20 years by 38 U.S.C. 110 would meet the requirements of H.R. 221. Because of recent advances in therapeutic methods, a rating of 100 percent for tuberculosis or a neuropsychiatric disorder would not confer entitlement under this bill unless the disability reached a static level as determined by a rating board. Ratings in which the 100-percent evaluation is based on unemployability, and extraschedular ratings of 100 percent assigned under authority delegated by the Administrator, are within the scope of this bill, if the disability is static.

EXPLANATION OF AMENDMENTS

Section 1712 of chapter 35 of title 38, United States Code, sets out time limits or age limits within which the educational benefits of the chapter must be used by the eligible person. One series of amendments approved by the committee adds a new subsection to section 1712 which will insure that the time available to the eligible person shall not be reduced as a result of the time required by the Veterans' Administration to process an application filed on behalf of the eligible person, with the proviso that no educational assistance can be afforded to the eligible person beyond his 31st birthday as a result of this new subsection.

Since varying lengths of time are required by the Veterans' Administration to process an application under chapter 35 of title 38, United States Code, especially when there is some question as to the eligibility of the person on whose behalf an application has been filed, the committee did not feel that the time required for this processing should be counted as having deceased the time that would otherwise be available to the eligible person to use the benefits of the chapter if his application had been approved on the same day it had been filed.

Section 5 of H.R. 221, as passed by the House of Representatives, contained a provision allowing 5 years to anyone between the ages of 18 and 23 on the date of the enactment of H.R. 221 to use the benefits of chapter 35 of title 38, United States Code, if he was made eligible for the benefits of the chapter solely by the passage of H.R. 221. The committee amended this section by deleting the requirement that the eligible person be under the age of 23 on the date of enactment, with the proviso that no educational assistance can be afforded to the eligible person beyond his 31st birthday as a result of this section. Section 5 was also amended by adding a provision similar to the new subsection added to section 1712 mentioned above.

The rationale of a saving clause such as section 5 of H.R. 221, is that an eligible person should not have his rights reduced simply because the bill had not been enacted at an earlier date. In this instance the committee decided that this reasoning had equal validity in the case of an eligible person who was 23 or over on the date of enactment as it did in the case of an eligible person under the age of 23 on the date of enactment. Section 5, as amended, applies only to those persons made eligible solely by the enactment of this act.

The committee also adopted amendments adding subsection (b) to section 5 of H.R. 221 in order to eliminate the possibility that the application of section 5, as amended, would discriminate againt the children of a parent whose death was service connected. Since the child of a parent who had died as a result of a service-connected disability would be an "eligible person" within the meaning of the War Orphans Educational Assistance Act due to his parent's service-connected death, he would not be an "eligible person" solely as a result of the amendments made by H.R. 221 even though his parent had been afflicted with a permanent and total service-connected disability at the time of his death. However, the child in the same fact situation would be solely eligible within the meaning of section 5 of H.R. 221 if his parent's death had not been service connected. Therefore, in order to avoid any unjust discrimination in the application of section 5 against the children of a parent who died as result of his service-connected disabilities, the committee added subsection (b) to section 5 of H.R. 221.

This subsection provides that in those cases where a child's eligibility due to his parent's service-connected death occurred after the lapse of the time periods and age limitations applicable to him under section 1712, he shall be considered to be an eligible person solely as a result of the amendments made by H.R. 221 if his parent was afflicted with a permanent and total service-connected disability at the time of his death.

Both the new subsection to be added to section 1712 of chapter 35, title 38, United States Code, and section 5 of H.R. 221, as amended, contain provisos that no educational assistance shall be provided to an eligible person beyond his 31st birthday. This proviso was felt to be advisable for two reasons: (1) Similar provisos are present in two other provisions of chapter 35, which permit educational assistance to be furnished beyond the 23d birthday of the eligible person. (2) It cannot reasonably be expected that a parent, assuming he were financially capable, would be furnishing educational assistance to his children beyond their 31st birthdays.

RELIEF OF VETERANS' ADMINISTRATION FROM PAYMENT OF CERTAIN INTEREST

The bill (S. 2064) to relieve the Veterans' Administration from paying interest on the amount of capital funds transferred in fiscal year 1962 from the direct loan revolving fund to the loan guarantee revolving fund was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1823(b) of title 38, United States Code, is amended by adding at the end thereof the following sentence: "The Administrator shall not be required to pay interest on transfers made pursuant to the Act of February 13, 1962 (76 Stat. 8), from the capital of the 'direct loans to veterans and reserves revolving fund' to the 'loan guaranty revolving fund' and adjustments shall be made for payments of interest on such transfers before the date of enactment of this sentence."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 754), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The purpose of this bill is to relieve the Veterans' Administration from paying interest on the amount of capital funds transferred in fiscal year 1962 from the direct loan revolving fund to the loan guarantee revolving fund.

Section 1823(b) of title 38, United States Code, requires the Administrator of Veterans' Affairs of the Veterans' Administration to pay interest on funds advanced by the Treasury to the Veterans' Administration for the purpose of making direct loans to veterans to buy or build homes or farmhouses. The interest paid by veterans on these direct loans is used to make the interest payments to the Treasury on the borrowed funds and to cover the losses incurred by the direct loan program.

Public Law 87-404 authorized the transfer of funds from the direct loan revolving fund to the loan guarantee revolving fund during the fiscal year 1962, in order to finance the increased cost of claims and property acquisitions resulting from defaulted guaranteed or insured loans. Pursuant to this provision, $105.7 million was transferred from the direct loan revolving fund to the loan guarantee revolving fund. Under present law, the Administrator is required to pay approximately $4 million annually in interest payments to the Treasury on these transferred funds even though they have not been used in making direct loans and do not provide any income with which to meet the interest payments owed to the Treasury. Therefore, the interest income earned by the direct loan revolving fund has been used to cover the interest due on the transferred $105.7 million which does not itself produce any income to the Veterans' Administration.

The effect of this bill would be to remove the obligation of the Administrator of the Veterans' Administration to pay interest to the Treasury on the funds which were transferred to the loan guarantee revolving fund from the direct loan revolving fund. This revocation would be retroactive as to previous interest payments which have already been paid to the Treasury.

DELEGATION OF CERTAIN AUTHORITY TO CHIEF MEDICAL DIRECTOR IN VETERANS' ADMINISTRATION

The bill (H.R. 5691) to amend title 38 of the United States Code to allow the Administrator of Veteran's Affairs to delegate to the Chief Medical Director in the Department of Medicine and Surgery, authority to act on the recommendations of disciplinary boards was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 755), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

This bill amends title 38 of the United States Code in order to allow the Administrator of Veterans' Affairs to delegate to the Chief Medical Director in the Department of Medicine and Surgery authority to act upon the recommendations of the disciplinary boards provided by section 4110 of title 38, United States Code, in the cases involving physicians, dentists, and nurses.

Present law provides that the Chief Medical Director shall appoint disciplinary boards to determine, after notice and fair hearing, the corrections of charges of ineptitude, inefficiency, or misconduct of physicians, dentists, and nurses. The chairman and secretary, however, are appointed directly by the Administrator. Recommendations are made by these boards to the Administrator for approval and action. The present bill would permit the Chief Medical Director to appoint the entire membership of the board, and to receive and act upon the recommendations of such board, with the employee facing disciplinary action afforded the right of appeal to the Administrator. This legislation is intended, among other things, to correct, as an example, a situation wherein a staff nurse who has been found guilty of misconduct and is slated for demotion, suspension, of discharge, must have such action personally approved by the Administrator, whereas authority to take similar disciplinary action in the case of higher ranking employees in the competitive service can be taken at lower administrative levels.

It is the intent of the committee that the Administrator of Veterans' Affairs should have the authority to make the delegation of authority as contemplated by the bill, however, he should not feel compelled to do so. While the committee realizes that the right of appeal by an employee from a decision by the board, under the bill, to the Administrator is provided, concern was expressed that some future Chief Medical Director might assume dictatorial powers under this delegation. The committee feels that the Administrator should keep a constant watch over the situation in order to prevent any such abuse. If the authority delegated is at any time abused the Administrator should, and he has the authority to, forthwith withdraw such delegation of authority.

The proposal was formally submitted by the Veterans' Administration, is favored by that agency, and would result in no additional cost to the Government. The Bureau of the Budget reported favorably on the bill. The favorable reports of the Veterans' Administration and the Bureau of the Budget follow:

Mr. MANSFIELD. Mr. President, I move to reconsider the votes by which the bills just called from the calendar were passed.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President pro tempore or the Acting President pro tempore be authorized to sign, after the adjournment today, three enrolled bills that have duly passed the two Houses.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Without objection, it is so ordered.

TRIBUTE TO THE MAJORITY LEADER

Mrs. SMITH. Mr. President, as we approach the end of the 1st session of the 88th Congress, I wish to express myself about the majority leader, the senior Senator from Montana. I shall speak very briefly because I do not think that mere words can do him justice or adequately convey the great respect and deep admiration that I have for him in the manner in which he has handled the very difficult job that is his.

He is a man of great wisdom—a man of deep feeling—a man of consummate consideration of the feelings of others. But he is yet a man of determination who does not yield to political expediency—who never takes his eyes off the course or is shaken from the ideals and objectives to which he is dedicated.

I think that such greatness on his part is recognized by many. But there is another greatness of which very few are aware—that is very few outside of those who have been the beneficiaries of his kindnesses. There are very few who know of this attribute of the true greatness of MIKE MANSFIELD—very few simply because he does not want people to know of these kindnesses. For that is his nature.

For example, he was the collaborator with me when I placed the single red rose on the desk that was occupied by the late John F. Kennedy when he was a Member of the Senate. In collaborating with me, he asked that I not reveal that he had done so because he felt that it would have more meaning if his part was not known.

I disclose this now because it is an example so typical of him and is only one of innumerable acts of kindness which have made him so endeared on both sides of the aisle.

Mr. MANSFIELD. Mr. President, although this is very unexpected, I express my deepest thanks to the distinguished Senator from Maine for her kind words, and to assure her that I appreciate them more than I can say.

Mr. DIRKSEN. Mr. President, I fully concur in all the expressions about the kindnesses so often shown by the distinguished Senator from Montana. He deserves every one of these encomiums.

Mrs. SMITH. I thank the minority leader very much. He has been most cooperative with the majority leader and very helpful to us all.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1963—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7885) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. I believe this has been cleared on all sides, although I am not absolutely certain. I ask unanimous consent that not later than 3 o'clock p.m. on Thursday next there be a vote on the pending conference report, H.R. 7885, the Foreign Assistance Act of 1963.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, the permission which has just been granted by the Senate will be subject to rectification after I have had an opportunity to speak personally with some Senators who are vitally interested in the proposed legislation, and who have indicated that they are not averse to a reasonable time limitation, but whose final approval will be necessary before the consent agreement will go into effect.

Mr. DIRKSEN. Mr. President, if the majority leader will yield, we are reaching the end of the long furrow. I know, of course, that Members would like to have the business of the Senate scheduled to suit their convenience, but that can be allowed only up to a point. I assure the majority leader that I shall cooperate with him in every possible way.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished minority leader. The Senators I have in mind have been most cooperative and helpful. I feel certain that a reasonable agreement can be reached. It is one of those things that need final confirmation before we can be definite as to what our action will be.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, no business will be transacted tomorrow.

Tomorrow will be a day on which eulogies will be delivered by Members of the Senate in honor of our former colleague and late departed President, John F. Kennedy.

I ask unanimous consent that there be no morning hour tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. If there is no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 11, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 10, 1963:

The following-named persons for appointment as Foreign Service officers of class 1, consuls general, and secretaries in the diplomatic service of the United States of America:

Robert J. Francis, of Tennessee.
Jack B. Kubish, of Michigan.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the diplomatic service, to be also consuls general of the United States of America:

George H. Steuart, Jr., of Virginia.
Paul R. Sweet, of Texas.

The following-named persons for appointment as Foreign Service officers of class 3, consuls, and secretaries in the diplomatic Service of the United States of America:

Philip A. Heller, of the District of Columbia.
Daniel J. James, of Illinois.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

William Dawson, of Maryland.
Paxton T. Dunn, of Connecticut.
Lucian Heichler, of Virginia.
Leonard Sandman, of West Virginia.
G. Michael Bache, of New Jersey, for reappointment in the Foreign Service as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

The following-named persons for appointment as Foreign Service officers of class 5, consuls and secretaries in the diplomatic service of the United States of America:

Robert J. Bushnell, of Hawaii.
Lloyd Livingston Lee, of Hawaii.
Anthony G. Barbieri, of New York, for appointment as a Foreign Service officer of class 6, a vice consul of career, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Edward P. Allen, of Massachusetts.
Kenneth H. Bailey, Jr., of New York.
William G. Barraclough, of Pennsylvania.
Miss Mary Helen Barrett, of California.
Michael J. Danbury, of New York.
John A. Fowler, of Montana.
Roger R. Gamble, of New Mexico.
John D. Hope, of California.
Richard B. Johnson, of Connecticut.
Arthur D. Levin, of Rhode Island.
Jack W. Mendelsohn, of Illinois.
David T. Morrison, of Michigan.
Edward G. Murphy, of Massachusetts.
Jerrold M. North, of Illinois.
Robert Rackmales, of Maryland.
Philip J. Rizik, of the District of Columbia.
Edward Michael Sacchet, of Maryland.
Archelaus R. Turrentine, of Arkansas.
James O. Westmoreland, of Tennessee.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Kenneth W. Bleakley, of New York.
Miss Gwendolyn Coronway, of Pennsylvania.
Miss Yvonne P. Fonvielle, of Illinois.
Samuel C. Fromowitz, of New York.
George H. Haines III, of New York.
Peter R. Keller, of Connecticut.
Miss Gail A. Kelts, of New York.
Charles E. Lahiguera, of Rhode Island.
Miss Sylvia Manjarrez, of Illinois.
Roger B. Merrick, of Colorado.
Miss Sarah Louise Nathness, of Ohio.
Bruce S. Pansey, of Rhode Island.
John P. Riley, of New Jersey.
Thomas Ronald Sykes, of Illinois.
Paul Daniel Taylor, of New York.
Miss Judith D. Trunzo, of Virginia.
Miss Theresa A. Tull, of New Jersey.

The following-named Foreign Service Reserve officers, to be consuls of the United States of America:

Kenneth Bache, of New Jersey.
Thomas W. Cormier, of Virginia.
Fred W. Dickens, Jr., of the District of Columbia.
Richard D. Drain, of Maryland.
Paul J. Gartenmann, of Virginia.
Jack W. Juergens, of Kansas.
John D. McGrail, of Massachusetts.
Donald E. McNertney, of Iowa.
Herbert Morales, of the District of Columbia.
Gil M. Saudade, of Maryland.
Martin Stahl, of California.
Harold M. Young, Jr., of California.
Winn L. Taplin, of Pennsylvania, a Foreign Service Reserve officer, to be a consul and a secretary in the diplomatic service of the United States of America.

The following-named Foreign Service Reserve officers to be vice consuls of the United States of America:

Jerry E. Kyle, of California.
Robert H. Larson, of Virginia.
Allen R. Phillips, Jr., of Virginia.
Rob Roy Ratliff, of Maryland.
Joseph A. Reinstatler, of Virginia.
Michael J. Walsh, of Virginia.

The following-named Foreign Service Reserve officers to be secretaries in the Diplomatic Service of the United States of America:

Robert C. Amerson, of Minnesota.
Paul E. Arnold, of Virginia.
Edgar M. W. Boyd, of New York.
James L. Carlin, of Minnesota.
Robert K. Davis, of Florida.
Alexander de Bilderling, of New York.
Roland E. Dulin, of the District of Columbia.
Roy H. Green, Jr., of California.
John L. Hadden, of New York.
Peter B. Harrison, of Illinois.
John H. Kenney, of Massachusetts.
James S. Lanigan, of New York.
Burton B. Lifschultz, of California.
Hugh J. McMillan, of Washington.
Leon A. Shelnutt, of Alabama.
Throop M. Wilder, Jr., of the District of Columbia.
Leon E. Woods, of Maryland.

The following-named Foreign Service staff officers to be consuls of the United States of America:

Bernard J. Brogley, of Pennsylvania.
Samuel Karp, of Pennsylvania.
Raymond W. T. Pracht, of Illinois.
Joseph Radford, Jr., of New Jersey.
Charles B. Sebastian, of the District of Columbia.

To the Senate of the United States:

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Charles Lutcher Southward, O329922, Infantry.

IN THE REGULAR ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be major, Chaplain

Burnette, Lester E., O79682.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Aldrich, Harold B., 3d, O97880.
Bertelsen, Geoffrey H., O92326.
Brandt, Goetz K., O92280.
Campbell, John C., O93137.
Casto, James G., O93141.
Clawson, Lucien B., Jr., O97099.
Cleveland, Donald L., O92399.
Elderd, Raymond K., Jr., O95312.
Ferguson, Jack W., O94527.
Ferring, Theodore J. J., Jr., O95318.
Fox, James H., O93171.
Hager, Henry F., 3d, O94197.
Hogan, Thomas F., O91436.
Hudson, Richard L., O96985.
Hyde, Thomas A., 3d, O97924.
Jacobs, Darrel D., O91282.
Johnson, Ben A., O97925.
Johnson, Lidge O. J., O97927.
Jones, Robert S., Jr., O97142.
Kawamoto, Dennis F., O92595.
Kazenski, John T., O90898.
King, Thomas R., O97157.
Labell, Simmin N., O90176.
Mahr, Walter C., O97438.
Mason, Robert W., O89549.
McCarthy, William J., O97448.
McClendon, Miles R., O94217.
Miyamasu, Paul K., O97333.
Moody, Robert D., O97951.
Nartisissov, George, O97818.
Orlov, William S., O97549.
Powers, Gary R., O97959.
Rizer, Gene C., O98353.
Scott, Kenneth G., O97974.
Shiner, Clyde R., Jr., O92880.
Stainback, William C., O94347.
Stonehocker, Herbert F., Jr., O92929.
Sturdivant, Clifford R., O97986.
Taylor, Benjamin D., O97363.
Terry, William F., 3d, O97047.
Walker, Larry T., O98261.
Wenz, Henry F., O97996.
Wright, Kenneth E., O97374.
Zimmers, Joe L., O96726.

To be first lieutenants, Medical Service Corps

Anderson, Jon D., O94736.
Blakemore, Vaughan A., Jr., O97280.
Constable, Joseph F., O94920.
Cundiff, David E., O94744.
Harman, Richard B., O97349.
Judy, Richard B., O94939.
Kistler, Thomas E., Jr., O96691.
Lemmers, Dean P., O97390.
Murphy, Thomas W., O94775.
Sandifer, Calvin P., 6th, O92780.
Schafer, Thomas E., O95096.
Shambora, Robert A., O94788.
Shelton, Edward J., O95101.
Spiker, James E., Jr., O98199.
Walker, James O., Jr., O95114.
Ward, John R., O97218.

To be first lieutenant, Army Nurse Corps

Cope, Doris A., N3056.

To be first lieutenant, Army Medical Specialist Corps

Sager, Jane F., R10184.

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Sams, Gerald A., O41931.

The following-named persons for appointment in the Regular Army by transfer in the

grade specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be first lieutenants

Boroski, Marvin R., O85727.
Dickson, Richard C. (MSC), O82317.

The following-named persons for appointment in the Regular Army of the United States in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be majors

Darling, Gregory, O1688813.
McMahon, Richard A., O1341809.
McManus, Luther M., Jr., O975625.
Sexton, Thomas L., O2014581.

To be captains

Adams, Paul M., Jr., O4015888.
Ahearn, John F., O4009741.
Ashby, Charles C., O4031237.
Austin, Richard K., O4074442.
Baker, Ralph H., Jr., O2289397.
Bartlett, Leslie R., O4026690.
Blaker, John R., O1932128.
Bolduc, Donald A.,O4006135.
Bond, James A., O4025668.
Bournes, William V., O1936308.
Brown, Paul M., O4031425.
Cascio, Charles J., O4069406.
Corbett, Cleveland, O1935009.
Costanzo, Irving E., O4038632.
Covert, James L., O4010707.
Daniels, Thomas W., O2033988.
England, Marion F., Jr., O1924732.
Fleming, Hewell D., O1931245.
Fromm, Rudolph W., O4083218.
Fuchigami, Hideto, O4014617.
Greenleaf, Edward T., Jr., O1935125.
Hollowell, William E., Jr., O1931464.
Hottel, David T., O4062484.
Isaacson, Roger M., O1936232.
Jones, Richard B., O2273918.
Kowal, Samuel J., O4057698.
Kramer, Gordon L., O4009704.
Lang, Marlin C., O4074509.
Leakey, Robert J., O4074404.
McFadden, Louis P., O4034756.
Noonan, Richard B., O4016826.
Olson, Eugene S., O4010954.
Phillips, Edward L., O4005842.
Reid, James W., O4048558.
Reynolds, Leslie D., O4071936.
Ridgeway, James H., O4070376.
Rohlfing, Robert E., O4040287.
Smart, William E., O4029625.
Smith, Osbin E., O4030948.
Smith, Loren K., O4010324.
Thompson, James A., O1702308.
Tompkins, Edward, O4074641.
Treadway, James D., O4083658.
Vittorini, Domenic, O4006889.
Walker, Delbert L., O2285394.
Wehrle, Alfred L., O4066147.
Westerman, Ted G., O4031275.
Wilson, Roosevelt, O1925864.
Woods, James R., O4049657.

To be first lieutenants

Ackerman, Donald C., O4066842.
Allen, Richard H., O5000837.
Belisle, Aldorien E., Jr., O5207222.
Bendele, James C., O5403534.
Benton, Hubert F., O5409530.
Brunner, Karl R., Jr., O5209690.
Byrnes, James P., O5511154.
Cameron, Carl H., O5303702.
Coston, James G., O5410068.
Cressler, Walter L., Jr., O5007423.
Culbertson, James E., O5405126.
Donlon, Roger H. C., O5307067.
Driscoll, William J., O5006655.
Duerre, Chester W., O5509539.
Dunham, David L., O5502761.
Eggerichs, James M., O5510424.
Eisenbarth, Roland W., O5700282.
Elliott, Thomas H., O5511597.
Elrod, Baron S., O5308927.
Estes, Jimmie L., O5409049.
Faubel, Gordon J., O5511907.
Faulkner, Robert S., O5302501.
Gaffney, William W., O4067150.
George, James T., O5203880.
Girard, Valmore J., O5006584.
Harris, Lyman B., Jr., O5305804.
Heard, Wayne L., O5410518.
Heathman, Jimmie J., O5511935.
Higginbotham, Jerry R., O5308350.
Higgins, Glenn E., O5205143.
Hughes, William L., O5303797.
Hungerford, Dale, O5305487.
Kelly, Robert H., O5507878.
Kierstead, Dana S., O5000787.
Koreski, Rolland A., O5701978.
Kraft, Thomas J., O5509268.
Ladd, Eddie B., O5306480.
Lind, Richard W., O5405441.
Markofski, Donald R., O2309819.
Mattox, James I., O5206922.
Miller, Andrew J., Jr., O5301780.
Minutoli, John R., O5005175.
Mirkovich, Richard S., O5704803.
Mohr, Carl E., O5702435.
Polk, Paul G., O5302484.
Potter, Donald C., O5510162.
Quinn, John T., O5001111.
Riley, Wilmot T., III, O5307853.
Roney, Kenneth D., O5310939.
Schmid, Thomas W., O5207082.
Shrontz, Alva G., O5203662.
Stephens, Donald G., O5402054.
Stokke, Edward T., O5405328.
Stronach, Ronald E., O5304074.
Stroud, Lamar A., Jr., O5203907.
Thompson, William E., O2297844.
Truumees, Vallo, O5309969.
Walker, Byron G., O5508289.
Ward, Joseph G., II, O5405503.
White, Travis W., O5309555.
Williams, James E., Jr., O5405680.
Willison, Darryl L., O5509686.
Wise, George W., O5310711.

To be second lieutenants

Adams, Charles W., O5412957.
Backley, Donald A., O5509660.
Beeman, Richard C., O5009932.
Bogden, Joseph, O5207930.
Bosserman, David C., O5405806.
Cooper, Nelson J., O5405741.
Craft, Carroll F., O5010111.
Danner, Robert F., O5512538.
Dill, Paul H., O5211576.
Duzenski, Thadeus A., O5218723.
Dye, Preston C., O5314899.
Elliott, David R., O5216520.
Gabelmann, James F., O5406144.
Grindell, Chelsey V., O5007206.
Hansen, David G., O2300357.
Harrison, David A., O5514207.
Henderson, William D., O5706971.
Holmes, Larry L., O5516960.
Jackson, Jerry E., O5705986.
Jarock, Norman F., O5506259.
Karrer, Robert J., Jr., O5307607.
Krebs, Joseph G., O5514589.
Labovich, Walter, O5875175.
LeFew, Charles F., O5215755.
Martin, Robert F., O5410758.
Massengale, Thomas H., O5213841.
Myer, Allan A., O5405929.
Payne, Gilbert M., Jr., O5216570.
Perry, Stephen M., O5706357.
Pryor, Robert W., O5311801.
Randt, Richard C., O5000462.
Ritter, James T., O5009702.
Scruggs, James T., Jr., O5314897.
Simpson, Jerry J., O5215092.
Smart, Eric E., O5314271.
Spaulding, William J., Sr., O5515901.
Staehler, Joseph C., O5512030.
Taylor, John C., Jr., O5213161.
Walker, Charles R., O5410292.
Walton, Jamie W., O5311153.
Watson, Neal C., O5313574.
Zimmer, Otho B., Jr., O5309956.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, and 3311.

To be major, Medical Corps

Dwyre, William, R., O4071001.

To be captain, Army Nurse Corps

Cotter, Joan K., N902601.

To be captain, Chaplain

Dowd, Theodore J., O2277101.

To be captains, Dental Corps

Noelke, Donald R., O5501237.
Nutter, David J., O4067340.
Preston, Jack D., O5701368.
Russell, Emery A., Jr., O5307031.

To be captain, Judge Advocate General's Corps

Conboy, Joseph B., O2021607.

To be captains, Medical Corps

Chesky, Frank H., O4056602.
Cove, Laurence A., O5518010.
Davis, Charles J., Jr., O5220012.
Gunderson, Finn O., O5703243.
Murphy, John J., O2298303.
Sakakini, Joseph, Jr., O4036161.
Thomas, John P., O5214106.

To be captain, Medical Service Corps

Garrett, McLain G., Jr., O4075800.

To be captain, Veterinary Corps

Stolz, Hal F., O2295487.

To be first lieutenants, Dental Corps

Cohen, Marvin W., O5217235.
Kaplan, Martin, O5004907.
Kazlusky, Joseph B., O5518669.
Wentz, Clarence E., O4060296.

To be first lieutenants, Judge Advocate General's Corps

Belknap, Hobart D., Jr., O2307755.
Crow, Samuel J., O2310072.
Davis, Franklin G., O2309833.
Rogers, Jack D., O2311799.
Su-Brown, James C., O2306107.
Wicker, Raymond K., O2307708.
Wilson, Norman S., O2304471.

To be first lieutenants, Medical Service Corps

Drill, John C., O5512323.
Hanson, Robert L., O2297608.
Zell, Matthew N., O2298307.

To be first lieutenants, Veterinary Corps

Freel, Marvin E., O2305797.
Hilmas, Duane E., O5519041.
Keefe, Thomas J., O2305782.
Lawton, Richard R., O2307973.
Morris, James M., O2305093.
Vandercook, Richard A., O2309870.

To be first lieutenants, Women's Army Corps

Cascone, Joan C., L2298052.
Gross, Dorothy M., L2304898.

To be second lieutenants, Medical Service Corps

Huff, Fred V., O5513950.
Lobingier, John H., O5412345.

To be second lieutenant, Women's Army Corps

Tate, Alice M., L2305151.

The following-named distinguished military student for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3292:

Shaw, Richard A., O5704414.

The following-named distinguished military student for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

Spille, Robert M., O5531934.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of

second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Abel, Gene P.
Andersen, Foster.
Bluhm, Raymond K., Jr., O5531728.
Boyd, Clinton B., O5320699.
Burkheart, George W.
Cepiel, Edward R.
Cholak, Paul M.
DeLisio, Paul L.
Dotson, George S., O5016090.
Eakin, William C.
Emigh, Donald B.
Fritz, Ronnie E.
Gregory, Thomas R., O5319521.
Gressette, Tatum W., Jr.
Grose, William C., O5319532.
Guin, Jackie B.
Haack, Duane G.
Hankins, Guy L.
Isaac, William T., Jr.
Jensen, Bruce A.
Johnson, Julius F.
Kimenis, Visvaldis.
Koehler, Albert P.
Landis, George A.
Loher, Eugene P.
Mason, Edward P.
McFatter, Arthur L.
McLean, Donnie B.
Mehle, F. Douglas.
Morrison, Ronald E., Jr.
Orsini, Fuldo E.
Peters, Donald G.
Peters, Joseph F.
Pfluger, Addison L.
Reid, Michael J.
Rhame, Thomas G.
Ricketson, Don A.
Satterlee, Alan K.
Sonricker, William C.
Stone, Frank D.
Strecker, William, Jr.
Taylor, John M., Jr.
Wiener, William, O5018079.
Winmill, John I., O5017342.
Zunkel, Alan D.

EXTENSIONS OF REMARKS

Studebaker and Trade Folly

EXTENSION OF REMARKS

OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 10, 1963

Mr. DENT. Mr. Speaker, the following release was given to the press today:

Congressman DENT, of Pennsylvania, calls Studebaker's move another nail in the coffin of the U.S. economy.

DENT says Studebaker joins the hundreds of runaway industries in its attempt to gain profits by dodging U.S. responsibilities and share of the cost of the U.S. Government.

Congressman DENT, longtime critic of what he calls economic suicide trade agreements said the Studebaker decision is nothing new. Many corporations have done the same thing only they hid their movements behind patriotic, theoretic, and disarming slogans of free trade, peace, underdeveloped nations, and in many cases, false and misleading packaging, advertising, and merchandising. DENT repeated his warning that in today's world market the United States can only participate by paying subsidies similar to the textile mill subsidy passed by Congress last week, and by monopolistic domestic production tied into world cartels. This is already true in our export programs for wheat, cotton, and other subsidized farm products; it will soon be true in textiles. It's true in our import program for sugar to the detriment of our domestic sugar industry.

Said DENT, "No matter how you try to explain it or cover it up, the theories of trade relations put into practice by the profiteering internationalist trader, have been the cause of the major portion of our domestic unemployment, our negative trade balance in goods and man-hours, our flight of gold, and the mad rush of U.S. industry to displace man with automated machines.

"It's long been my belief that the first duty of a government is to provide work and pay opportunities for its own citizens; not the production of surplus for export. Every nation in the world wants to export more than it imports. It can't be done, and the unprotected nation in this economic war will die.

"I have today warned the Congress that the time is running out for reconsideration of our trade policies, our foreign investment policies, and our aid policies. I've asked Congress to put an out-and-out embargo on all Studebaker and any other products produced outside U.S. limits by American capital in competition with domestic industry.

"To do less, is to add to the further depreciation of our industrial, agricultural, and mining complexes.

"When we finally admit to ourselves that Studebaker is not leaving the automobile manufacturing business but is only leaving this country because of three very normal pressures: (1) A lower cost of production in a foreign country, (2) opportunity to make greater profits while still holding onto the U.S. market, and (3) the threat of foreign governments against U.S. corporations doing business in their markets unless the U.S. corporations create employment and profit for their peoples and nations.

"The pressure from Canada on U.S. imports is no secret. The Canadians, like every other nation except the United States, looks to its people's welfare first, last, and always.

"Chasing the will-o'-the-wisp of foreign trade is like a dog chasing its tail; after he catches it he has to let go because he can't go anywhere with his tail in his mouth and besides, it hurts."

Mr. Speaker, I wish to commend the gentleman from Indiana, the Honorable JOHN BRADEMAS, for his early and untiring efforts to alleviate the harsh conditions to be visited upon this community, its peoples, its institutions, and particularly the displaced workers and their families by the decision of the Studebaker Corp.

The attached release was issued by Congressman BRADEMAS and Senators HARTKE and BAYH, of Indiana.

A review of the record shows that, under the provisions of our ill-advised Trade Expansion Act of 1962, Members of Congress find the avenues of relief in situations of this kind restricted to petition and relief.

Nothing can be done to save these jobs except to subsidize Studebaker.

WASHINGTON, December 10, 1963.—Senators VANCE HARTKE and BIRCH BAYH and Congressman JOHN BRADEMAS said today that in response to their suggestion to Secretary of Labor W. Willard Wirtz and Secretary of Commerce Luther Hodges, a meeting was held here this morning of representatives of several Federal agencies to consider the manpower implications of termination of automobile and truck production by the Studebaker Corp. in South Bend.

In addition to BRADEMAS and aids of HARTKE and BAYH, present at the meeting were William Batt, Administrator of the Area Redevelopment Administration; Stanley Ruttenberg, Economic Advisor to the Secretary of Labor; representatives of the Bureau of Employment Security and the Manpower Development and Training Administration, both in the Department of Labor; representatives of the Department of Health, Education and Welfare; Indiana State Labor Commissioner Hobert Butler and Dan Bedell of the Washington office of the United Auto Workers, AFL–CIO.

The group discussed the facts in the Studebaker situation and considered measures, local, State, and Federal, which might assist Studebaker workers who face immediate unemployment.

The two Senators and the Congressman emphasized that "the primary responsibility for meeting this extremely difficult problem is at the State and community level." They said, however, they wanted to insure that "all possible Federal resources" would be made available.

They said that they have been in touch with Indiana Gov. Matthew Welsh to be sure of coordination of Federal with State efforts.

HARTKE, BAYH, and BRADEMAS also announced that Dr. Harold L. Sheppard, now with the Upjohn Institute for Employment Research, and formerly with the Area Redevelopment Administration, would serve on the spot in South Bend to insure that resources of the Departments of Labor and Commerce are both made available and are coordinated with State and local activities.

Hon. Leon H. Gavin

EXTENSION OF REMARKS

OF

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 10, 1963

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I take this opportunity to express my profound sorrow over the loss of our good friend and your colleague of many years, Leon H. Gavin, the dean of the Pennsylvania delegation.

Leon, a man of strong convictions and sincerity of purpose, served his district, his State, and his Nation faithfully and well.

Throughout the years he was truly a servant of the people in the Congress and he worked hard for the interests of the people who placed their faith and confidence in him by returning him to Congress so many times.

Leon was an outstanding American, devoted to his country, and he was continually in the forefront in the fight to